

STATEMENT OF FACTS

- [1] Following a plea of guilty, Jean was convicted on February 23, 2009, of violating 21 U.S.C. § 846 (Conspiracy to Possess with Intent to Distribute 500 Grams to 5 Kilograms of Cocaine) and 18 U.S.C. § 924(c) (Possession of a Firearm in Furtherance of a Drug Trafficking Crime). [Change of Plea Hearing Transcript at 17, ln. 17-25; id. at 18, ln. 1-5; Exhibit B at 01, § OFF/CHG; id. at 02, § OFF/CHG].
- [2] Jean was sentenced to 292 months of imprisonment to be followed by eight years of supervised release. [Sentencing Transcript at 25, ln. 2-6; id. at 26, ln. 5-8; Exhibit B at 01, § Sentence Imposed; id., § Term of Supervision].
- [3] His sentence reflected a downward variance of 60 months (or 17.05%) from a Guideline range of 352 to 425 months. [Sent. Transcript at 8, ln. 21-22]. The Court varied downward in order to "avoid unwarranted sentence disparities with the other individuals involved." [id. at 25, ln. 13-14].
- [4] Jean was determined to be a Career Offender in light of the Court finding his three prior Texas drug crimes to be "controlled substance offenses." [id. at 7, 17-19]. The predicate offenses were:
- Possession with Intent to Deliver a Controlled Substance (Cocaine), less than 28 grams [see Appendix 3 at 01-02 for state indictment and judgment];
 - Knowing and Intentional Delivery of a Controlled Substance by Actual Transfer (cocaine) [attached to Presentence Report];
 - Possession with Intent to Deliver a Controlled Substance (Cocaine), less than 28 grams [see Appendix 3 at 03-04 for state indictment and judgment].
- [Sent. Transcript at 6, ln. 9-25;
id. at 7, ln. 1-7].
- [5] Without the Career Offender enhancement, Jean would face a sentencing range of 180-210 months based on an offense level of 26 and a criminal history category of VI. [id. at 11, ln. 12-17 (includes 60 months for 924(c) sentence)].**

** All figures include a two-level reduction for acceptance of responsibility. [Doc. 90 at 16].

- [6] As of October 11, 2022, Jean had served 182 months, or 62.33% of his sentence. When factoring in Good Conduct Time ("GCT"), Jean had served 209 months, or 71.58%. [Exhibit B at 03].
- [7] Jean's current release date is set for June 12, 2028. [id. at 01, § The Inmate is Projected for Release]. He will be 54 years old. [see id., § Date of Birth: 09-29-1973].
- [8] In 2015, Jean had sought, but was ultimately denied, a reduction under 18 U.S.C. § 3582(c)(2) in light of a retroactive amendment to the United States Sentencing Guidelines ("USSG") lowering his offense level. The Court's denial was predicated upon Jean's Career Offender status. [Doc. 85 at 01; see U.S.S.G. § Amendment 782 (2014 Manual)].
- [9] If sentenced today, Jean would no longer be a Career Offender. [see United States v. Tanksley, 848 F.3d 347, 352 (holding that the Texas statute for Possession with Intent to Deliver a Controlled Substance [Section § 481.112(a) of the Texas Health & Safety Code] is both indivisible and inapplicable as a predicate offense supporting a Career Offender enhancement under U.S.S.G. § 4B1.1)].
- [10] Lacking the Career Offender enhancement, Jean would be eligible, too, for the "Drugs Minus Two" reduction under U.S.S.G. § Amendment 782. By consequence, his original sentencing range of 180-210 months [see § 5, supra], would be lowered to 160-185 months.
- [11] As stated above, Jean has served 209 months with GCT. [§ 6, supra]. If he had been sentenced without the Career Offender enhancement, he would have served the following percentages of the relevant Guideline range:
- 180 months (Low End) ---> 116.3% served
 - 210 months (High End) ---> 99.52% served
- [12] If he had been sentenced without the Career Offender enhancement and had received the benefit of Amendment 782, Jean would have served the following percentages:
- 160 months (Low End) ---> 130.63% served
 - 185 months (High End) ---> 112.97% served
- [13] Jean was 33 years old when he was arrested. [Exhibit B at 01, § Date of Birth; cf. id. at 02, § Jail Credit (FROM DATE)].

- [14] Jean has received only two, low-level incident reports in over 15 years: one in violation of code 310 for "being absent from assignment" for which he was sanctioned to "loss of email for 15 days" [Exhibit E, § Report Number 2471716 (July 24, 2013)], and the other for the same, "being absent from assignment" for which he was sanctioned to "loss of commissary for 15 days." [id., § Report Number 2597276 (June 23, 2014)].
- [15] Jean has completed 25 education programs, with a 26th in progress, for a total of 3,654 hours. [Exhibit C]. Such programs include the Building Trades and Welding vocational trades [id., 720 and 480 hours each, respectively], as well as Electric Theory (Basic, Part II, and Advanced), Basic Plumbing, Employment Opportunities (a reentry class), and Product Development. [id.]. He also has been learning Spanish. [id.].
- [16] He similarly has spent more than ten years working for UNICOR, where he was described by the Quality Assurance Manager as being a "valuable, trustworthy and indispensable asset." [Appendix 4 at 01]. Similarly, his Fabric Work Supervisor submitted Jean has become a "consistent and indispensable employee [who]...is counted upon to perform advanced business equations, statistical and problem solving techniques with a high degree of precision..." [id. at 02].
- [17] Yet, Jean left UNICOR in order to focus on his specialty: Heating, Ventilation, and Air Conditioning ("HVAC"). Specifically, he has dedicated 1,918 hours towards advancing his understanding of HVAC [Exhibit C, § Air Conditioning / Refrig], and has supplemented this pursuit with lateral studies of electricity, plumbing, and welding. [id., generally].
- [18] He currently is focusing on his apprenticeship in HVAC, where he has gained knowledge and certifications to carry forth into the world outside prison. [id.; also see Appendix 2 at 01-02; id. at 21-23]**
- [19] Jean also has earned his Associate of Applied Science degree in HVACR (including refrigeration). [id. at 02]. He completed 32 collegiate hours with a 4.0 grade point average [id. at 01, showing "Dean's List" each semester], and his degree was "[c]onferred [on] May 18, 1996." [id.].

** Appendix 2 at 21-23 includes Jean's certification for Technician Type Universal, and his course completions in Major Appliance Service Technology and Heating, Ventilation, Air Conditioning & Refrigeration. [id.]. He includes these to substantiate the depth to which he has pursued this field, as well as the validity of his certification. [see Appendix 3 at 21, showing this had been forwarded to FCI Three Rivers for Jean to utilize while performing HVAC work there].

- [20] Jean has been assessed by the Bureau of Prisons under its new recidivism metric, the Prisoner Assessment Tool Targeting Estimated Risk and Need ("PATTERN"), to need no further substance abuse treatment. [see Exhibit F, § Drug Program Status: No need].
- [21] Jean's criminal history reveals one isolated and minor act of violence, occurring prior to his imprisonment. [Exhibit D, § Violence: > 10 YRS MINOR]. This event involved a scuffle in the parking lot of Jack-in-the-Box®, and Jean was cited for misdemeanor assault. His non-violent disposition over his lifetime prior to this act, and in the 20 years since, reveals this to have been an aberration. More importantly for purposes of this motion, Jean has not been involved in any acts of violence since his imprisonment began more than 15 years ago.
- [22] During the drafting of this motion, Jean successfully petitioned the Bureau of Prisons into removing an improperly lodged "escape" on his Custody Classification form. [see Exhibit D, § Escapes: NONE; cf. Appendix 6 at 05]. The respective dates of October 11, 2022 [Appendix 6 at 05] and November 07, 2022 [Exhibit D] reveal this change to have been recent. Jean similarly sought this change to be implemented on his FSA PATTERN score; however, was told he must wait until it is rescored in 2023.**
- [23] Jean submitted a request for a sentence reduction to his Warden on October 11, 2022, in which he raised the following issues supporting a reduction: [1] non-retroactive change in law by which he would no longer be a Career Offender; [2] the disparity between the sentence he received and that advised today; [3] his extensive rehabilitation efforts and progress, including his achievements in HVAC; and [4] his outstanding disciplinary record. [Exhibit A].
- [24] Jean points out a discrepancy whereby he had understood he was a low level of recidivism. [id.]. This is not the case, as his General Score is 43 and his Violent Score is 25. [Exhibit F]. Jean points out that his score is currently four points away from low, and he has all but maximized the amount he can earn through drug treatment, programming, and work programs. [id., cf. Appendix 6 at 4 for scoring matrix]. Moreover, the BOP assigns him points in light of his 924(c) charge, which the Bureau classifies as "violent" for all prisoners.

** Jean submitted this petition via the Bureau of Prisons' Administrative Remedy program. For the Custody Classification Form, his case manager was able to implement the change. [see Appendix 6 at 06]. For the FSA Recidivism Risk Assessment (PATTERN Score), he must await the BOP to update it. [Appendix 6 at 07].

[25] Jean has not heard back from the Warden.

[26] Along with the reasons presented in his request to the Warden, Jean submitted an address where he would reside. [Exhibit A, "If granted release, I would reside with my mother, Lina Jean, who lives at the following address: [address hidden]."].

[27] He, too, explained how he would support himself:

I would support myself [by] entering the field of HVAC. In light of my extensive education and experience over the past 15 years (including multiple certifications and achievements), I am employable at most businesses.

[id.].

[28] He lastly explained how he would obtain medical care, by "initially apply[ing] for benefits under the Affordable Care Act ("ACA")." [id.]. He explained that once he found "successful employment," he would "transfer [his] care to a plan offered by [his] employer." [id.]. Jean does not see any pressing medical needs, as he devotes attention to healthy habits like diet and exercise; and this motion is not founded in medical issues.

[29] Ultimately, Jean has complied with all requisites underlying the process to seek a reduction in sentence: he has submitted a request to the Warden that included his reasons for seeking relief; he included the address where he would reside; he explained how he would support himself; and he provided how he would obtain medical care. [Exhibit A]. More than 30 days have passed since October 11, 2022 (i.e., the date he submitted his request to the Warden), and, consequently, this Court now has jurisdiction to hear this motion. Administrative remedies have been exhausted.

INTRODUCTION

Joel Francois Jean, after serving over 15 years of a near-25 year sentence, now seeks a reduction in that sentence to time-served. Throughout the years, his attempts at relief have been unsuccessful; although his initial motion under 28 U.S.C. § 2255 remains pending.

Since his sentencing, several developments in law have manifest, most recently the change in Fifth Circuit statutory interpretation

wrought via the Tanksley^{**} decision from which Jean's prior Texas convictions for Possession with Intent to Deliver a Controlled Substance can no longer support a Career Offender enhancement. If sentenced today, Jean's sentencing range would be 160-185 months, instead of the 352-425 months to which he was subjected in 2009.

Although this change has not been declared retroactive, the Fifth Circuit permits a defendant to motion his sentencing court seeking such relief under 18 U.S.C. § 3582(c)(1)(A) ("Reduction-in-Sentence" or "RIS" or "Compassionate Release"). The Supreme Court^{***} recently determined a court may rely upon non-retroactive changes in law when modifying a sentence. Jean now opts to present his case for such a reduction in light of this change in law, the fall-out therefrom (e.g., no longer being a career offender, resulting sentence disparities, and more), the 15 years and counting he has already served, and his extensive rehabilitative progress.

JURISDICTION

The Court has the authority to reduce a sentence to time-served and to modify the term of supervised release. [United States v. Shkambi, 993 F.3d 388, 393 (5th Cir. 2021)]. To prevail on a motion for a RIS, a defendant must exhaust administrative remedies, show extraordinary and compelling reasons warrant a reduction, and show such reasons are consistent with applicable policy statements issued by the United States Sentencing Commission ("USSC"). [United

^{**}United States v. Tanksley, 848 F.3d 347, 352 (5th Cir. 2017) (holding Texas Health & Safety Code § 481.112(a) [Possession with Intent to Deliver a Controlled Substance] is indivisible and broader than a Controlled Substance Offense, and cannot support a Career Offender enhancement under the Guidelines)

^{***}Concepcion v. United States, 597 U.S. ___, Syllabus: The First Step Act allows a district court to consider intervening changes of law or fact in exercising discretion to reduce a sentence.

States v. Betton, U.S. Dist. LEXIS 46411 (S.D. Miss., Mar. 15, 2022)]. The Court must also consider the sentencing factors in 18 U.S.C. § 3553(a) to the extent they apply. [United States v. Cooper, 996 F. 3d 283, 287 (5th Cir. 2021)].

APPOINTMENT OF COUNSEL

Jean requests the appointment of counsel via the Federal Public Defender or a CJA appointee pursuant to 18 U.S.C. § 3006A.

ADMINISTRATIVE REMEDIES

Jean has exhausted all administrative remedies. On October 11, 2022, he submitted a request to the Warden of FCI Beaumont Low seeking a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A). [Exhibit A]. More than 30 days have passed since his request. [United States v. Anderson, 2022 U.S. App. LEXIS 15923, *3 (5th Cir., June 09, 2022)].

EXTRAORDINARY AND COMPELLING REASONS

Jean submits the following factors, either combined or standing alone, establish extraordinary and compelling circumstances warranting a sentence reduction: [1] the non-retroactive change in law whereby he would no longer be a Career Offender if sentenced today; [2] the sheer length of his sentence; [3] the disparity between his original sentence and that advised today; [4] the length of time he has served; and [5] his individual circumstances, including his rehabilitative efforts and progress.

The Fifth Circuit leaves to the district court to consider, in the first instance, what factors, either alone or in conjunction with any other applicable considerations, constitute extraordinary and compelling reasons to reduce a sentence. [United States v.

Cooper, 996 F.3d 283, 289 (5th Cir. 2021)].

1. Non-retroactive change in law

When Jean was sentenced, he had at least two prior offenses that were utilized to impose a Career Offender enhancement. [Sent. Transcript at 16, ln. 2-3; see id. at 6, ln. 9-14 for first of three predicate offenses ("possess or intent to deliver a controlled substance"); see id., ln. 15-22 for second of three predicate offenses ("deliver by actual transfer...a controlled substance"); see id. at 07, ln. 2-7 for third of three predicate offenses ("possessing with intent to deliver a controlled substance")]. The Court stated the following, following the reading of these predicate offenses:

And I've independently determined that the convictions meet the definition of a controlled substance offense thereby warranting an increase in the offense level,....

[id., ln. 16-19].

From this, Jean's total offense level was increased from 26 to 35 [id. at 08, ln. 12-15; also id. at 11, ln. 12-17], and his advised range under the USSG was increased from 180-210 months to 352-425 months. [id.].

Jean's counsel requested for the Court to "give something along the lines of what he would have gotten without the Career Offender [enhancement]" [id. at 13, ln. 15-17], while the Government sought for the Court to "sentence the defendant within the guideline range based on the facts of this case." [id. at 17, ln. 21-23].

Prior to having the sentence pronounced, Jean allocuted the following:

I don't want to even know anybody that has anything to do with drugs anymore. I've learned my lesson. Just please, please, just give me a chance at life after this sentence.

[Sent. Transcript at 15, ln. 7-10].

The Court took some time to determine the sentences of Jean's co-defendants, the highest of whom received a sentence of 120 months. [id. at 23, ln. 4-9]. The one who was most akin to Jean in terms of criminal history (i.e., both were in category VI) was sentenced to 87 months. [id.]. In light of these differences, the Court held:

[T]hat disparity...[t]he Court believes that...a multiple of three is an excessive disparity and accordingly determines that some adjustment is justified.

[id. at 24, ln. 1-10].

With this in consideration, the Court imposed a sentence of 292 months - or 60 months (17.05%) below the low end of his sentencing range. [id. at 25, ln. 2-6]. The Court stated that this sentence met the "objectives of just punishment, deterrence, and promotion of respect for the law." [id. at 24, ln. 20-22].

In 2017, the Fifth Circuit, in light of the decision in Mathis v. United States [136 S. Ct. 2243 (2016)], revisited whether a conviction under Texas Health & Safety Code § 481.112(a) for Possession with Intent to Deliver a Controlled Substance constituted a Controlled Substance Offense, ultimately deciding it no longer did. [see United States v. Tanksley, 848 F.3d 347, 352]. For Jean, this meant two of the predicate offenses relied upon by the Court in sustaining his Career Offender enhancement were no longer tenable, leaving just one valid prior; and if sentenced today, he would not be enhanced as a Career Offender.

Unfortunately, as this was a case of mere statutory interpretation, Jean could not avail himself of the change and be re-sentenced. Then came the First Step Act of 2018 ("FSA") and the Fifth Circuit's holding in United States v. Cooper [996 F.3d 283 (5th Cir. 2021)], which provided:

We leave for the district court to consider, in the first instance, whether...nonretroactive sentencing changes..., either alone or in conjunction with any other applicable considerations, constitute extraordinary and compelling reasons for a reduction in sentence.

[id. at 289].

This holding allows Jean to move the Court for a RIS, and leaves for the Court to decide whether the non-retroactive change in law removing his Career Offender status amounts to extraordinary and compelling. Jean submits it does.

Other courts have found the Tanksley decision to be extraordinary and compelling, and have reduced the prisoner's sentence. For example, in United States v. Reyes [2021 U.S. Dist. LEXIS 238866 (W.D.N.C., Dec. 14, 2021)], that court determined extraordinary and compelling reasons existed due to Reyes no longer being a Career Offender in light of United States v. Hinkle [832 F.3d 569 (5th Cir. 2016)]**. Reyes, in fact, is similarly situated to Jean, in that he, Reyes, was convicted of violating 21 U.S.C. § 846 (Conspiracy to Possess with Intent to Distribute at least 500 grams of Cocaine) and 18 U.S.C. § 924(c) (Possessing a Firearm in Furtherance of a Drug Trafficking Crime). [Reyes at *2; cf. § 1, Statement of Facts,

**The Tanksley and Hinkle decisions both decided that convictions under Texas Health & Safety Code § 481.112(a) do not satisfy the Guideline definition for a Controlled Substance Offense, and are often cited interchangeably. Tanksley, however, changed the Fifth Circuit's precedent.

supra, showing Jean was convicted of the exact same offenses].

Moreover, both were subjected to similar Guideline ranges: 322 to 387** months for Reyes, and 352-425 for Jean. [Reyes at *3; cf. § 3, Statement of Facts, supra].

Also, like Jean, Reyes received a downward variance of 62 months [Reyes at *3], resulting in a sentence of 260 months [*id.*], while Jean received a downward variance of 60 months [§ 3, Statement of Facts, supra], resulting in a sentence of 292 months. [*id.*, § 2]. Jean's case and Reyes' case are legal twins.

In reducing Reyes' sentence, the court opined:

The median sentence for career offenders convicted of murder in 2006 was 265 months.

[Reyes at *10 (citing statistics from U.S.S.C., Sourcebook of Federal Sentencing Statistics, Table 14: Average Length of Imprisonment for Offenders in Each Criminal History Category by Primary Offense Category, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2006/table/table14_0.pdf (last accessed October 12, 2022))].

In light of this statistic, Reyes' sentence was essentially that of a Career Offender convicted of murder, while Jean's exceeded it by 27 months. Ultimately, the court in Reyes entered the following:

Based on the severity and disparity of Reyes' sentence, the Court concludes that Reyes has established extraordinary and compelling reasons for a sentence reduction.

[Reyes at *11].

His sentence was reduced to time-served (or 193 months). [*id.*].

Another court also found extraordinary and compelling reasons

** Reyes' range is lower because he received a three-point reduction for acceptance of responsibility [Reyes at *2], whereas Jean received only two points.

when a prisoner would no longer be a Career Offender today. In United States v. Sarratt [2022 U.S. Dist. LEXIS 12558 (W.D.N.D., Jan. 24, 2022)], that court found the following:

Sarratt could not be sentenced as a career offender today. The question is whether this fact presents an "extraordinary and compelling reason" for a sentence reduction under the compassionate release statute. Here...the application of the career offender guideline resulted in a far more punitive sentence than would be available today. [He] has accordingly established "extraordinary and compelling reasons" supporting a sentence reduction.

[id. at *11].

Ultimately, the fact Jean would no longer be a Career Offender today constitutes an extraordinary and compelling reason warranting a reduction to time-served.

2. Sheer length of his sentence

Jean's sentence, even with the 60-month downward variance, still came to nearly 25 years. Without the Career Offender enhancement, he would have faced a range of 180-210 months, and would have been eligible to see his sentence reduced two more levels to 160-185 months in light of USSG amendment 782. The difference between his sentence of 292 months and the low end of today's Guideline sentence is 132 months, or 11 years. When considering that his co-defendant Lamar (who was also in criminal history category 6) only received 87 months [Sent. Transcript at 23, ln. 4-9], it is revealed the Career Offender enhancement played a significant role in the Court's determination of Jean's ultimate sentence.

Now that today's sentencing scheme no longer warrants a Career Offender enhancement for someone in Jean's position, the

sheer length of the sentence it produced is extraordinary and compelling. For example, in United States v. Cooper [2021 U.S. Dist. LEXIS 210955 (S.D. Tex., 2021)], the court held, "The sheer length of the sentence...[is] extraordinary and compelling." [id. at *7]. In United States v. Cleveland [2022 U.S. Dist. LEXIS 31445 (N.D. Tex., Feb. 23, 2022)], that court stated, "The sheer length of Cleveland's stacked sentences appears facially unjust." [id. at *8].

The sheer length of Jean's near-25 year sentence - which is 11 years longer than what today's sentence calls for - represents an extraordinary and compelling reason in support of a reduction in sentence to time-served.

3. The disparity between his original sentence and that advised today

As detailed in the previous section, Jean's sentence represents 11 years above what the low end of today's sentencing range. The addition of 132 months under a now-defunct enhancement lends credence to a disparity rising to extraordinary and compelling. In Cleveland [*supra*], that court found the disparity warranted a reduction to time-served [id. at *8]. In United States v. Davis, [2021 U.S. Dist. LEXIS 213370 (S.D. Tex., Nov. 04, 2021)], that court found the same, and stated:

[S]ubsequent modifications to the law which render an existing sentence significantly harsher than a newly imposed sentence would be for the same crime may constitute extraordinary and compelling circumstances.

[id. at *4].

As Jean's sentence represents a significant disparity over what would be called for today, this Court should find here an

extraordinary and compelling reason warranting a reduction to time-served.

4. The length of time served

As highlighted in the Statement of Facts section [supra], Jean has been imprisoned for over 15 years, or 182 months flat. [*id.*, § 6; also Exhibit B at 03]. When figuring in all the good conduct time he has earned, this rises to 209 months as of October 11, 2022. [*id.*]. When factoring this alongside his 292-month sentence, Jean has served 71.58%, with another 5 1/2 years to go until release. [Statement of Facts, § 6,7, supra].

If Jean had been sentenced to today's low end of 160 months, he would have served 130.63% of that sentence. [*id.*, § 12]. At today's high end of 185 months, he would have served 112.97%. [*id.*]. In both scenarios, Jean would already have discharged the sentence, and reducing him to time-served would allow the court to maintain respect for the law. A sentence of time-served would account for the entire range of Jean's sentencing range under today's Guidelines.

5. Individual circumstances, including rehabilitation

Over the tenure of his imprisonment, Jean has engaged in extensive rehabilitative efforts in order to uphold the testimony at sentencing where he averred he had "learned [his] lesson." [Sent. Transcript at 15, ln. 7-10]. While "rehabilitation alone is not an 'extraordinary and compelling' reason for a sentence reduction, it can be a significant factor warranting a sentence reduction when an inmate has an otherwise qualifying condition." [United States v. Browning, 2022 U.S. Dist. LEXIS 48849, *6 (E.D. Tex., Mar. 18, 2022); also see 18 U.S.C. § 994(t) (holding "Rehabilitation of the

defendant alone shall not be considered an extraordinary and compelling reason.")]. Jean submits the evidence of his rehabilitation supports the reasons he has yet presented.

First, Jean has worked. Having spent over ten years at UNICOR, Jean's dedication set him apart from the other prisoners. His Quality Assurance Manager, B. Sauls, provided a letter of support that states:

I have over 20 years of experience within the Federal Bureau of Prisons and very rarely have I come across an inmate that has truly worked on himself from the day of his admittance in the custody of the Bureau of Prisons, at bettering himself, for an eventual successful return into society.

[Appendix 4 at 01].

In addition, Jean's Fabric Work Supervisor from UNICOR similarly provides:

Inmate Jean approaches his assignments with tenacity, dedication and unequivocal focus which has a direct impact on FPI UNICOR Beaumont being one of the only factory's [sic] in the clothing and textile group to remain open during the COVID-19 pandemic.

[id. at 02].

These supervisors, who worked with and got to know Jean over many years, both testify to his developed work ethic and maturity in accepting responsibility. [id. at 01-02, generally].

Jean now works in Facilities (i.e., maintenance), and serves as the inmate HVAC technician for Beaumont Low. He left UNICOR on good terms, yet wanted to further his experience and applicable knowledge in HVAC systems. His Education Transcript reveals he is currently involved in an apprenticeship for HVAC [Exhibit C], as well as he has successfully completed 3,198 hours in HVAC related education. [see Exhibit C, showing Air Conditioning/Refrig (1,918

hours) + Welding (480 hours) + Advanced Electric Theory (20 hours) + Electric Theory II (20 hours) + Basic Electrical Works (20 hours) + Basic Plumbing (20 hours) + Building Trades (720 hours)]**

Also in addition, Jean has completed another 456 hours of educational programming, including a focus on learning Spanish in order to heighten his marketability following release. [id.]. Altogether, Jean's work history, ethic, and education show he has prepared for his eventual release back into society.

Second, Jean has displayed outstanding conduct over the past 15 years, the evidence revealing he is a model inmate. While he does have two incident reports, both are low-level, and are more than eight years old. The first is a code 310 for "being absent from assignment" for which he was sanctioned to "loss of e-mail for 15 days" [Exhibit E, § Report Number 2471716 (July 24, 2013)], and the other was for the same, "being absent from assignment" for which he was sanctioned to "loss of commissary for 15 days." [id., § Report Number 2597276 (June 23, 2014)].

Yet, his "model inmate" conduct goes beyond avoiding trouble. His son, with whom he has fostered a relationship despite the separation and distance, writes that he "aspire[s] to emulate [Jean's] endless work ethic," which perpetuates "how crucial knowledge and research are." He writes his father, Jean, "has consistently been there to listen and offer heartfelt advice in [his son's] time of need," conversations from which his son has

** Jean's HVAC apprenticeship will amount to several thousand hours; however, the amount thereof will not be reported on his transcript until completion. [Exhibit C, § V-HVAC Apprenticeship].

"learned so many life lessons." [Appendix 1 at 03]. He describes Jean as a "devout Christian[] who abides by the Lord's commandments," and offers that he would "think that over 16 years in prison would negatively affect one's character and morals but thankfully that is not the case with [Jean]." [id.].

Jean's brother submits his "brother is not the same person who was sent to prison" and he, Jean, "consistently striv[es] to better himself through education and personal development." [id. at 05]. His brother concludes by surmising Jean "has grown both personally and spiritually." [id.]. Jean's mother similarly testifies to having "witnessed [her] son's growth in prison over the past 15 years." [id. at 06].

Jean also maintains relationships with those outside his family, like a friend who submits:

Prison sometimes can have a negative outcome on people[] they lose hope, and they lose themselves. I believe this time Uncle Joel ["Jean"] has...found himself, a better version of himself. He has become a man of God who is a practicing Christian and is walking in a manner that is pleasing to God. He reaches out to me and held guide me through tough times in my life. He is always available to listen, we pray together and encourage each other.

[id. at 01].

Yet, not just in the circle of family and friends does Jean receive such positive feedback. As cited earlier in this motion, his supervisors from UNICOR gave glowing assessments. For example, just as Jean's family testified of Jean's attention to their struggles over the years, so says his boss:

Inmate Jean is a true testament of an individual, whom [sic] has educated not only himself, but many of his peers, as he prepares for re-entry back into society.

[Appendix 4 at 01].

And his other boss:

Witnessing inmate Jean tackle challenge after challenge until a successful result is achieved is one of the rare qualities I have seen inmate Jean demonstrate time and again in the face of adversity. Perhaps it is this documented trait alone that can provide substantial evidence that inmate Jean's exceptional capabilities are best served providing for himself, his family and serving his community, as opposed to expending government funds to "warehouse" inmate Jean.

[Appendix 4 at 02].

From these sources, it is clear Jean upholds the values indicative of a "model inmate."

Third, Jean has participated in drug education to comply with the Court's recommendation at sentencing. [see Doc. 54 at 02; see Appendix 2 at 03]. In light of this, the Bureau of Prisons' now holds Jean has no need of further drug treatment. [Exhibit F, § Drug Program Status: No Need].

Fourth, Jean has satisfied all financial obligations imposed upon him by the Court through successful participation in the BOP's Financial Responsibility Program ("FRP"). [see id., § FRP Refuse: FALSE]**

Fifth, Jean has steadily decreased his recidivism score under the BOP's Prisoner Assessment Tool Targeting Estimated Risk and Need ("PATTERN"), which reveals his score to be 43 for his General Score and 25 for his Violent Score. [Exhibit F]. This was conducted on May 13, 2022, and fails to include recent updates that would further lower his score.

For example, Jean recently disputed, and prevailed upon, the BOP's characterization of his "evading arrest" as an "escape."

**This item is backwards, as it considers whether Jean has refused to participate in the Financial Responsibility Program. A value of "False" indicates he did participate successfully.

Jean includes his Male Custody Classification Form from October 11, 2022, showing the BOP assessed him custody points for this alleged "escape." [Appendix 6 at 05]. He also includes an updated version of the same form from November 07, 2022, showing the "escape" had been removed. [cf. Exhibit D]**

When comparing these Custody Classification Forms to his FSA Recidivism Risk Assessment [Exhibit F], it shows the BOP used this "escape" to assign Jean 3 points to his General Score and 2 points to his Violent Score. [id., § General Score, § Violent Score for § History of Escapes].

Jean's attempt to also update this FSA Recidivism Risk Assessment form was not immediately successful. Specifically, the BOP only updates this form periodically (i.e., every six months), and Jean was told by his Case Manager, Mr. Hebrich, on November 07, 2022, at approximately 2:15 PM, that it, the form, would be "automatically updated" during Jean's next bi-annual TEAM evaluation next year. As such, the record fails to account for the removal of the improperly scored so-called "escape."***

Jean current classification is a Medium. [see Appendix 6 at 02, showing PATTERN (General) score for Low is 6 to 39 points, while a Medium is 40 to 54 points; id. at 03, showing PATTERN (Violent) score for Low is 8 to 24 points, while for a Medium is 25 to 31 points]. Jean's score of 43 (General) and 25 (Violent) place him in the Medium range, but very slightly.

** Jean attaches the BP-8 (Documentation of Informal Resolution) he took to his case manager in resolving the improperly lodged escape from his Custody form. *** [Appendix 6 at 06].

Jean also attaches the BP-8 he took to his case manager in attempting to remove the escape also from his FSA PATTERN score. [Appendix 6 at 07].

Further, the "escape" is improper to have included on his PATTERN scoring sheet [Exhibit F], and without it, Jean's score would become 40 (General) and 23 (Violent) - placing him at one point above the threshold for Low (General) and in the range of Low (Violent).

Lastly, Jean points out the BOP considers all convictions under 18 U.S.C. § 924(c) to be violent, thus further increasing his General Score by 5 points [id., § Violent Offense (PATTERN): True], and his Violent Score by 7 points. [id.]. Without this, his scores would both be comfortably in the Low range.

In any event, Jean has consistently reduced his risk of recidivism, and asks the Court to take that into account, along with the improperly lodged "escape," in deciding whether to reduce his sentence.

Ultimately, Jean has taken far-reaching strides to become a man who does not resort back to the ill-conceived behaviors that took him to prison. For the past 15 years, he has dedicated his time and attention to education, work, family, friends, and the Lord. His conduct has been outstanding, as have his accomplishments; and he asks the Court to view the other four extraordinary and compelling reasons through this lens. While this reason in and of itself is insufficient to support an extraordinary and compelling reason, Jean submits it flavors the other reasons accordingly.

In light of the foregoing, this Court should determine extraordinary and compelling reasons support a reduction to time-served.

SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)

The last step of the inquiry of whether to reduce a sentence, and the extent thereof, is to consider the sentencing factors codified in 18 U.S.C. § 3553(a) to the extent they are applicable. A review of these factors weighs in favor of a reduction to time-served. Below, Martin will address each pertaining factor.

1. 18 U.S.C. § 3553(a)(1) - The nature and circumstances of the offense and the history and characteristics of the defendant

a. **Nature and circumstances of the offense**

Jean committed a serious offense that involved a dangerous drug (cocaine) and the presence of firearms. In his attempt to obtain a sentence reduction, he does not intend to justify, diminish, or detract from its seriousness. He accepted responsibility during his pretrial proceedings, and even received a two-point offense level reduction for having done so. [see Doc. 90 at 16]. His basis for seeking a reduction in sentence, therefore, is founded in the changes to the law removing his Career Offender enhancement that requires today a far more lenient sentencing range than the one to which he was subjected.

b. **History and characteristics of the defendant**

Jean was 33 years old when the offenses were committed. [see Exhibit B at 01, § Date of Birth; cf. id., Date of Offense]. He is 49 today [id., § Age], and will be 54 on his statutory release date of June 12, 2028. [id., § The Inmate is Projected for Release]. He has served far more than half his sentence, reaching 71.58%, or 209 months, with good time factored in. (62.33%, or 182 months sans.)

Jean is non-violent, both prior to his imprisonment and during. The lone act of violence over his 49 years came during his 20's, and resulted in a minor scuffle in a fast-food restaurant parking lot. Such a minor incident was not even mentioned during Jean's sentencing hearing.

Jean is dedicated. Over the past 15 years, he has dedicated thousands of hours to furthering his understanding and competence in HVAC. Even his son writes:

If released, there is no doubt in my mind that my dad would be able to work anywhere. That's how knowledgeable he is in regards to his field of study.

[Appendix 1 at 03].

Jean came into the BOP already possessing an Associate of Applied Science degree in HVACR, completing all hours of study with a 4.0 grade point average. [Appendix 2 at 01-02]. Then, whilst in the BOP, he has completed another 3,198 hours in HVAC and HVAC-related fields. He currently is earning an apprenticeship in the field. [Exhibit C].

Jean also has completed multiple vocational trades, like welding and construction (i.e., "Building Trades"), and has spent several years studying Spanish. [id.]. His accumulative education hours were at 3,654 as of October 11, 2022, and continue to grow.

Jean similarly is productive. Initially, he spent over 10 years working in UNICOR, earning valuable skills in manufacturing and advanced mathematics like statistical formulas and advanced equations, according to one of his supervisors. [Appendix 4 at 02]. He now serves in Facilities in order to obtain hands-on application of his HVAC skills and training, as well as to advance his appen-

ticeship.

Jean has maintained connections back home with family and friends who are willing to support him upon release. His friend Amber pledges that:

[Jean] has a huge support team and people who love and want the best for him. I am one of those people. I pledge to offer him all the support emotional, spiritual, financial, and spiritual that he needs upon his release. I look forward to picking up and building our relationship that we have maintained from afar.

[Appendix 1 at 01].

His son similarly submits he will "support [his] dad however [he] can when released." [id. at 04]. Jean's mother, Lina, avers that "[Jean] is loved by everyone in the family," and that he will "have all the love and support he needs." [id. at 07]. She pledges to provide Jean a place to release to, and speculates on Jean using his HVAC expertise to "open his own HVAC company and...take care of his mom." [id.]. These letters make it clear that Jean has a stable support system to release to, and to whom he will be held accountable.

Numerous courts have considered a defendant's rehabilitation in granting a reduction in sentence. [see United States v. Brown, 2020 U.S. Dist. LEXIS 87133, *12, 17-18 (S.D. Iowa, Apr. 29, 2020); United States v. Decator, 2020 U.S. Dist. LEXIS 60109, *10 (D. Md., Apr. 06, 2020); United States v. Redd, 2020 U.S. Dist. LEXIS 45988, *23 (E.D. Va., Mar. 16, 2020); United States v. Perez, 2020 U.S. Dist. LEXIS 45635, *7 (D. Kan., Mar. 11, 2020) (finding that inmate's rehabilitation favored compassionate release where inmate "gained his GED while in prison and has availed himself to various educational programs.")].

The Supreme Court, too, has stated that a defendant's post-sentencing conduct is one of the best indicators of his post-imprisonment success. [Pepper v. United States, 562 U.S. 476, 491 (2011) (citing 18 U.S.C. § 3553(a)(1)); see Concepcion v. United States, 597 U.S. ___, generally].

In summary, Jean, over his 15-year term of imprisonment, has [a] earned over 3,000 hours of dedicated study towards HVAC; [b] applied that knowledge towards an apprenticeship; [c] earned vocational trades in welding and construction; [d] successfully completed another 22 educational programs; [e] completed a level of drug treatment necessary to be objectively deemed to need no further; [f] consistently reduced his recidivism score; [g] consistently behaved; [h] maintained and fostered relationships with family and friends; [i] satisfied all court-imposed financial obligations; [j] worked constantly; [k] worked currently; [l] shunned violence; [m] focused on his relationship with the LORD; [n] planned for a life ahead; [o] secured potential employment upon release^{**}; and [p] served over 71% of a 292-month term of imprisonment. He has established a solid foundation both within himself and without from which to establish a reformed life following imprisonment. He asks the Court to provide him such an opportunity via a reduction to time-served. Attached to this motion is a personal statement through which Jean addresses the Court. [Appendix 1 at 09].

^{**} Jean's support letter from his friend Amber, provides, "I work in real estate and have discussed with a contact of mine [Jean] and his situation and they are willing to give him a chance upon his release. He has promising opportunities waiting on him." [Appendix 1 at 01].

He asks the Court to consider it in determining whether to grant him relief.

This factor supports a reduction to time-served.

2. 18 U.S.C. § 3553(a)(2)(A) - The need to reflect the seriousness of the offense, promote respect for the law, and to provide for just punishment

Respect for the law and just punishment may be considered as directly proportional to a sentence falling within the bounds prescribed by Congress. For Jean, his original sentence came below that by 60 months. Yet, developments in statutory interpretation now deem his underlying offenses to be unable to support the Career Offender enhancement that was responsible for producing such an elevating sentencing range. Reducing his sentence to time-served allows his adjusted sentence still to fall within the statutory bounds, and Guidelines ranges, now called for - in fact, any sentence falling within today's Guideline range would fail to account for the amount of time Jean has already served.

When the court imposed Jean's original sentence, as stated, it varied downward by 60 months in light of an "excessive disparity," determining that "some adjustment is justified." [Sentencing Transcript at 24, ln. 1-10]. Now that the Career Offender enhancement is inapplicable, a significant sentencing disparity now exists between Jean and similarly situated defendants today. Promoting respect for the law and providing just punishment takes into account these disparities; and in doing so, calls for a reduction to time-served.

This factor supports a reduction.

3. 18 U.S.C. § 3553(a)(2)(B) - The need to afford adequate deterrence to criminal conduct

The process of aging often invokes a natural element of deterrence within an individual, as he sees life go by and understands the moments he has missed will never again arise. Fifteen years in prison, since the age of 33, has forced Jean to watch go by a life he could have lived, but chose not to. By maintaining communications with his family, he's given a closer, more intimate view, as described by his son:

It has been really rough growing up without my father, his absence disturbs me deeply to this day. I often think about how much better my life would have been had he been there to guide me like he wanted. Despite him being gone, we have managed to foster an unbreakable bond that means the world to me and because of this it feels like he will never come home.

[Appendix 1 at 03].

Jean knows more than ever that the older he gets, the more he has to leave behind; for that's life. But prison has a way of magnifying it - especially when drawn out over 15 years.

If Jean is granted a reduction, his term of supervision is eight years. [Exhibit B at 01, § Term of Supervision]. This continues a certainty of being caught, should be delve back into criminal habits. ["The certainty of being caught is a vastly more powerful deterrent than the [severity of the] punishment." United States v. Browning, 2021 U.S. Dist. LEXIS 38058, *12-13 (E.D. Mich., Mar. 02, 2021)].

Yet, the sorrow compounded by having been away for so long, and knowing more years remain until statutory release, serves as ample deterrence. Jean submits this point supports a reduction.

Moreover, prolonging his imprisonment subjects those last

years to the law of diminishing marginal returns, whereas the first years of imprisonment carry a much greater effect of deterrence than the last. As stated in the Deterrence in the 21st Century:

[T]here is little evidence of a specific deterrent effect arising from the experience of imprisonment compared with the experience of noncustodial sanctions such as probation. Instead, the evidence suggests that reoffending is either unaffected or increased [by longer sentences].

[id., by Daniel S. Nagin, 42 Crime & Just. 199, 201 (2013)].

4. 18 U.S.C. § 3553(a)(2)(C) - The need to protect the public from further crimes of the defendant

Jean has worked his way down from initial placement at a high-security USP compound (Big Sandy) to a low-security compound (FCI Beaumont Low), and has consistently reduced his PATTERN recidivism score. Nathan James, a Congressional Research Crime Policy Analyst, writes:

The assessment of offender risk was originally a matter of professional judgment. [However] because courts and correctional officials make decisions every day about who can safely be diverted from incarceration or granted early release, they may benefit from...[a]ctuarial risk assessment tools. ... [Although] risk and needs assessment tools are not 100% accurate, ... the best models are usually able to predict recidivism with about 70% accuracy.

[Risk and Needs Assessment in the Federal Prison System (2018), see <https://sgp.fas.org/crs/misc/R44087.pdf> (last accessed July 31, 2022)].

Jean submits his recidivism score, when considering the impending update removing the improperly-scored "escape" (see pages 19-21, supra), is on the edge of low and medium. Taking this into account, along with his placement at a low-security institution and minimal disciplinary record, evince that the public may be adequately protected through Jean's immediate release to community supervision.

This factor supports a reduction.

5. 18 U.S.C. § 3553(a)(2)(D) - The need to provide defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner

a. **Educational or vocational training**

As shown throughout this motion, Jean has completed thousands of hours of educational programming. He, too, has been offered a job upon release through his friend, Amber. ["...they are willing to give [Jean] a chance [i.e., a job] upon release. He has promising opportunities waiting on him." Appendix 1 at 01]. Further, his expertise, training, and experience in HVAC renders him employable in many venues. The education and vocation opportunities of which he availed himself will serve him well in securing employment upon release.

As stated in his request to the Warden:

I would support myself [by] entering the field of HVAC. In light of my extensive education and experience over the past 15 years (including multiple certifications and achievements), I am employable at most businesses. I am currently researching available positions in the Houston area, and am pursuing the security of such a position contingent upon the success of this RIS endeavor.

[Exhibit A at 01].

Jean's best opportunities await him outside prison where he can put to use the knowledge and skills he has acquired therein. This factor supports a reduction.

b. **Medical care**

Jean's motion for compassionate release is not founded in medical issues, as he maintains himself with ample care. The BOP has not been an environment where he has needed medical care on a

regular basis. Nevertheless, he does address in his request to the Warden how he will obtain medical care if release:

In order to obtain medical care, I will initially apply for benefits under the Affordable Care Act ("ACA"). Upon successful employment, I will then transfer my care to a plan offered by my employer, or will instead obtain individual care available through the ACA.

[Exhibit A at 01-02].

This factor supports a reduction.

6. 18 U.S.C. § 3553(a)(6) - The need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct

When fashioning a sentence, a court is directed to avoid unwarranted disparities, which the Court did when originally sentencing him by varying downward by 60 months. Reducing his sentence today to time-served also accounts for such disparities; for Jean's sentence no longer warrants a Career Offender enhancement. The difference between the floor of today's sentencing range (160 months) and Jean's sentence (292 months) equates to 11 years. With such a difference of over a decade more, this factor strongly supports a reduction to time-served.

REENTRY PLAN

If granted release, Jean will initially reside with his mother. ["He will be released to his mother's home." Appendix 1 at 07]. He has a job offer available via his friend, Amber. [Appendix 1 at 01]. Further, his experience and education in HVAC render him widely employable; for, nearly every structure in Houston uses air conditioning and heating. Jean has a network of support, including his son [Appendix 1 at 03-04], his mother [id. at 06-07], his brother [id. at 05], and his friend, Amber. [id. at 01-02]. Such support

includes accountability of Jean as he navigates his way back into society.

This factor supports a reduction.

DANGER TO SOCIETY

Jean has consistently reduced his level of recidivism, as well as his custody level and security score. He poses no danger to society. Moreover, he will be near his family upon release, who have pledged to hold him accountable in order to help him transition.

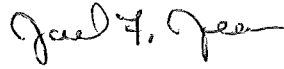
He, too, will have eight years of supervised release, which courts have found mitigates any dangers associated with a sentence reduction. [United States v. Martin, 455 F. Supp. 3d 17 (W.D.N.Y. 2020); also United States v. Williams, 2020 U.S. Dist. LEXIS 63824, *9 (N.D. Fla., Apr. 01, 2020) ("[T]he risk of [the defendant] engaging in further criminal conduct is minimal and can be managed through...the terms of his supervised release.")].

Jean is not the same man who entered prison so long ago, as testified by the loved ones who submitted support letters. He, too, submits the same, as expressed in his letter to the Court. He has no interest to become involved in the criminal lifestyle that took so much from him; and asks the Court to allow him an opportunity to return to life.

CONCLUSION

In light of the foregoing, this Court should reduce Jean's sentence to time-served.

Respectfully Submitted,

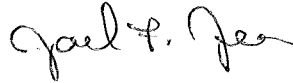


Joel Francois Jean, pro se
Reg. No. 98523-179
FCI Beaumont Low
P.O. Box 26020
Beaumont, TX 77720

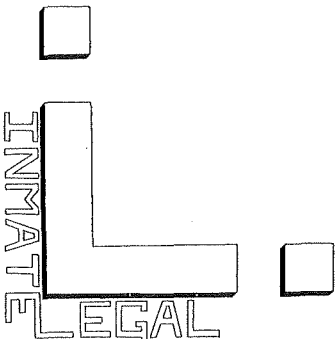
DECLARATION

I, JOEL F. JEAN, do hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 14th day of November, 2022.



Joel Francois Jean, pro se
Reg. No. 98523-179
FCI Beaumont Low
P.O. Box 26020
Beaumont, TX 77720

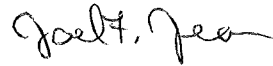


CERTIFICATE OF SERVICE

I, JOEL F. JEAN, do hereby certify that on the 14th day of November, 2022, a true and correct copy of the foregoing was deposited into the outgoing legal mail for this institution with postage prepaid and affixed, and was addressed to the following:

UNITED STATES DISTRICT COURT
300 WILLOW STREET
BEAUMONT, TX 77701

In light of my pro se, prisoner litigant status, I respectfully request electronic service upon the attorney for the United States.



Joel F. Jean, pro se
Reg. No. 98523-179
FCI Beaumont Low
P.O. Box 26020
Beaumont, TX 77720

TRULINCS 98523179 - JEAN, JOEL FRANCOIS - Unit: BML-V-A

E • X • H • I • B • I • T A

FROM: 98523179
 TO: Warden LOW
 SUBJECT: ***Request to Staff*** JEAN, JOEL, Reg# 98523179, BML-V-A
 DATE: 10/11/2022 12:18:18 PM

To: Mr. Albert Thomas, III - Warden, FCI Beaumont Low
 Inmate Work Assignment: Facilities

Dear Mr. Albert Thomas, III - Warden, FCI Beaumont Low:

Greetings. This is to request for your recommendation to the Director of the Bureau of Prisons for her to file a motion in my sentencing court seeking a reduction-in-sentence ("RIS" or "Compassionate Release"). Specifically, I am seeking this relief in light of a non-retroactive change in law in my circuit whereby I would not be classified as a career offender. I make this request after serving 182 months (rising to 209 months with Good Conduct Time ["GCT"]) of a 292 month sentence.

The reasons I am seeking an RIS are as follow:

[1] Since my sentencing, the Fifth Circuit has issued a non-retroactive change in law that substantially affects the enhancements to which I was subjected. Specifically, in light of the Hinkle/Tanksley decisions, I would no longer be deemed a career offender under the Guidelines. Consequently, my sentencing range would be lowered from 412-485 months to 152-175 months. Moreover, as I have already served 182 months of flat time (rising to 209 months with GCT), I have exceeded the updated sentencing range by 37.5% for the low end, and 19.43% for the high end.

Moreover, the Fifth Circuit has ruled that motions for an RIS pursuant to 18 U.S.C. Section 3582(c)(1)(A) empower the district court with discretion to determine whether non-retroactive changes in law, either standing alone or in conjunction with other reasons, constitute extraordinary and compelling circumstances warranting relief. I submit the reduced sentencing range as manifest via Hinkle/Tanksley creates such an extraordinary and compelling circumstance.

[2] In light of the new sentencing range, a sentence disparity is thereby manifest. Specifically, the different between a range of 412-485 months and 152-175 months creates a disparity wholly disproportionate to what a similarly situated defendant would be subjected today. A range that is approximately ten years below today's sentencing scheme creates an unwarranted sentencing disparity warranting relief via an RIS.

[3] I have engaged in extensive rehabilitative efforts during my term of imprisonment. Specifically, I have completed over 22 education programs that include vocational trades like welding, construction, heating/air-conditioning, and more. From UNICOR I have earned an ASQ certification, which requires a test from the freeworld, and empowers me to take my skills and education to any job outside prison. I also have completed drug education, electrical theory (basic and advanced) and Spanish, as well as I have worked in UNICOR for over ten years. These accomplishments provide the necessary framework in education and skills for me to transfer to any heating/air-conditioning ("HVAC") specialty job available.

[4] I have achieved a LOW level of recidivism under the First Step Act's ("FSA") PATTERN scoring system. This is an objective measure of my propensity to re-offend once release, and factors in dynamic information like my age, education, and outstanding disciplinary record. Moreover, my disciplinary record reflects only two incidents in over 15 years of imprisonment, both very low-level and related to failing to be present for a scheduled event. The latest of these incidents occurred in 2014, over 8 years ago.

Together, the above, whether individually or together, present four specific extraordinary and compelling reasons warranting an RIS to time-served.

If granted release, I would reside with my mother, Lina Jean, who lives at the following address: 608 Meadowick Drive, Baytown, Texas, 77521.

I would support myself myself entering the field of HVAC. In light of my extensive education and experience over the past 15 years (including multiple certifications and achievements), I am employable at most businesses. I am currently researching available positions in the Houston area, and am pursuing the security of such a position contingent upon the success of this RIS endeavor.

EXH A • 01

In order to obtain medical care, I will initially apply for benefits under the Affordable Care Act ("ACA"). Upon successful employment, I will then transfer my care to a plan offered by my employer, or will instead obtain individual care available

TRULINCS 98523179 - JEAN, JOEL FRANCOIS - Unit: BML-V-A

through the ACA.

Thank you for taking the time to consider this request for a reduction in sentence.

EXECUTED, SUBSCRIBED, AND SWORN TO UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. SECTION 1746
THIS 10TH DAY OF OCTOBER, 2022.

Respectfully Submitted,

/s/

Joel F. Jean, pro se
Reg. No. 98523-179
FCI Beaumont Low
P.O. Box 26020
Beaumont, TX 77720

CC: United States District Court
Eastern District of Texas (Beaumont Division)
File

BMLCQ 540*23 * SENTENCE MONITORING * 10-11-2022
 PAGE 001 * COMPUTATION DATA * 14:40:00
 AS OF 10-11-2022

REGNO...: 98523-179 NAME: JEAN, JOEL FRANCOIS

E•X•H•I•B•I•T B

FBI NO.....: 190448PA4 DATE OF BIRTH: 09-29-1973 AGE: 49
 ARS1.....: BML/A-DES '
 UNIT.....: 2 GP QUARTERS.....: V02-030L
 DETAINERS.....: NO NOTIFICATIONS: NO

FSA ELIGIBILITY STATUS IS: INELIGIBLE

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.

HOME DETENTION ELIGIBILITY DATE....: 12-12-2027

THE INMATE IS PROJECTED FOR RELEASE: 06-12-2028 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: TEXAS, EASTERN DISTRICT
 DOCKET NUMBER.....: 1:08CR00101-001
 JUDGE.....: CLARK
 DATE SENTENCED/PROBATION IMPOSED: 09-22-2009
 DATE COMMITTED.....: 11-10-2009
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO

| | FELONY ASSESS | MISDMNR ASSESS | FINES | COSTS |
|------------------|---------------|----------------|---------|---------|
| NON-COMMITTED..: | \$200.00 | \$00.00 | \$00.00 | \$00.00 |

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 391 21:846 SEC 841-851 ATTEMPT
 OFF/CHG: 21:846 CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE 500
 GRAMS OR MORE BUT LESS THAN 5 KILOGRAMS OF COCAINE

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE.: 232 MONTHS
 TERM OF SUPERVISION.....: 8 YEARS
 DATE OF OFFENSE.....: 08-07-2007

G0002 MORE PAGES TO FOLLOW . . .

EXH B • 01

| | | | |
|----------------|---------------------|---|------------|
| BMLCQ 540*23 * | SENTENCE MONITORING | * | 10-11-2022 |
| PAGE 002 * | COMPUTATION DATA | * | 14:40:00 |
| | AS OF 10-11-2022 | | |

REGNO...: 98523-179 NAME: JEAN, JOEL FRANCOIS

-----CURRENT OBLIGATION NO: 020 -----
OFFENSE CODE....: 130 18:924(C) FIREARMS LAWS FSA INELIGIBLE
OFF/CHG: 18:924(C) (1) POSSESSION OF A FIREARM IN FUTHERANCE OF A DRUG
TRAFFICKING CRIME

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 60 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 08-07-2007

-----CURRENT COMPUTATION NO: 010 -----
COMPUTATION 010 WAS LAST UPDATED ON 04-07-2020 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 11-25-2009 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 09-22-2009
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA
TOTAL TERM IN EFFECT.....: 292 MONTHS
TOTAL TERM IN EFFECT CONVERTED..: 24 YEARS 4 MONTHS
AGGREGATED TERM OF SUPERVISION..: 8 YEARS
EARLIEST DATE OF OFFENSE.....: 08-07-2007

| | | |
|-------------------|------------|------------|
| JAIL CREDIT.....: | FROM DATE | THRU DATE |
| | 09-18-2007 | 09-21-2009 |

G0002 MORE PAGES TO FOLLOW . . .

EXH B • 02

| | | | |
|-------------------|---------------------|---|------------|
| BMLCQ 540*23 * | SENTENCE MONITORING | * | 10-11-2022 |
| PAGE 003 OF 003 * | COMPUTATION DATA | * | 14:40:00 |
| | AS OF 10-11-2022 | | |

REGNO...: 98523-179 NAME: JEAN, JOEL FRANCOIS

TOTAL PRIOR CREDIT TIME.....: 735
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 1314
TOTAL GCT EARNED.....: 810
STATUTORY RELEASE DATE PROJECTED: 06-12-2028
ELDERLY OFFENDER TWO THIRDS DATE: 12-08-2023
EXPIRATION FULL TERM DATE.....: 01-17-2032
TIME SERVED.....: 15 YEARS 24 DAYS
PERCENTAGE OF FULL TERM SERVED...: 61.9
PERCENT OF STATUTORY TERM SERVED: 72.6

PROJECTED SATISFACTION DATE.....: 06-12-2028
PROJECTED SATISFACTION METHOD...: GCT REL

REMARKS.....: 04072020,UPDTD GCT PURSUANT TO FSA.B/KRW

G0000 TRANSACTION SUCCESSFULLY COMPLETED

EXH B • 03

BMLCQ * INMATE EDUCATION DATA * 10-11-2022
 PAGE 001 OF 001 * TRANSCRIPT * 14:40:55

REGISTER NO: 98523-179 NAME.: JEAN
 FORMAT.....: TRANSCRIPT RSP OF: BML-BEAUMONT LOW FCI

FUNC: PRT

E·X·H·I·B·I·T C

----- EDUCATION INFORMATION -----
 FACL ASSIGNMENT DESCRIPTION START DATE/TIME STOP DATE/TIME
 BML ESL HAS ENGLISH PROFICIENT 12-28-2009 1213 CURRENT
 BML GED HAS COMPLETED GED OR HS DIPLOMA 12-28-2009 1213 CURRENT

----- EDUCATION COURSES -----
 SUB-FACL DESCRIPTION START DATE STOP DATE EVNT AC LV HRS
 BML V-HVAC APPRENTICESHIP 06-10-2022 CURRENT
 BML PRODUCT DEVELOPMENT ACE LOW 06-08-2022 08-10-2022 P C P 20
 BML EMPLOYMENT OPPORT. 06-08-2022 06-08-2022 P C P 2
 BML MEN'S HEALTH, RPP#1 09-15-2020 10-18-2020 P C P 10
 BML UNICOR ASQ QUALITY 101 TRAIN 02-08-2019 05-24-2019 P C P 15
 BML MONEY SMART, RPP#3 04-10-2018 06-14-2018 P C P 40
 BML EMPLOY OPPORTUNITY, RPP#2 01-08-2018 03-14-2018 P C P 32
 TRV AIR CONDITIONING/REFRIG (EM) 06-06-2015 06-09-2016 P P A 1918
 TRV WELDING 12:30PM-RECALL 09-08-2015 05-20-2016 P C C 480
 TRV ADVANCED ELECTRIC THEORY 09-23-2015 11-26-2015 P C P 20
 TRV INTER KEYBRDING 2 (EM) 06-29-2015 12-19-2015 P C P 32
 TRV ELECTRIC THEORY II 06-29-2015 08-31-2015 P C P 20
 TRV BEGINING KEYBRDING 1 (EM) 04-18-2015 06-29-2015 P C P 32
 TRV BASIC ELECTRICAL WORKS 04-14-2015 06-16-2015 P C P 20
 TRV BASIC PLUMBING 10-16-2014 12-31-2014 P C P 20
 TRV BUILDING TRADES 12:30-RECALL 10-23-2013 10-24-2014 P C M 720
 TRV MATH FOR TRADES 07-24-2014 10-10-2014 P C P 20
 TRV REAL ESTATE 10-17-2013 12-23-2013 P C P 20
 TRV INTRO TO SPANISH BASIC (PG) 07-24-2013 09-30-2013 P C P 20
 BSY (L) SPANISH 1-CAI 11-29-2011 05-17-2012 P C P 75
 BSY COOMPUTER AIDED INSTR. ORIENT. 02-29-2012 04-03-2012 P C P 1
 BSY (A)KEYBOARDING-CAI 09-20-2011 11-27-2011 P C P 25
 BSY STRATEGIC THINKING 10-12-2010 01-18-2011 P C P 24
 BSY BEG CROCHET, T&R, 12:30-2:00;JB 09-19-2010 11-05-2010 P C P 12
 BSY KEYBOARDING, SELF STUDY 07-01-2010 11-04-2010 P C P 75
 BSY ELL ORIENTATION 04-28-2010 04-28-2010 P C P 1

G0000 TRANSACTION SUCCESSFULLY COMPLETED

EXH C • 01

BMLCQ 606.00 *

MALE CUSTODY CLASSIFICATION FORM *

11-07-2022

PAGE 001 OF 001

13:48:18

E•X•H•I•B•I•T D

(A) IDENTIFYING DATA

REG NO.: 98523-179

FORM DATE: 11-07-2022

ORG: BML

NAME: JEAN, JOEL FRANCOIS

MGTV: NONE

PUB SFTY: NONE

MVED:

(B) BASE SCORING

DETAINDER: (0) NONE

SEVERITY: (3) MODERATE

MOS REL.: 67

CRIM HIST SCORE: (10) 13 POINTS

ESCAPES: (0) NONE

VIOLENCE: (1) > 10 YRS MINOR

VOL SURR: (0) N/A

AGE CATEGORY: (2) 36 THROUGH 54

EDUC LEV: (0) VERFD HS DEGREE/GED DRUG/ALC ABUSE: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED: (4) 26-75%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS: (2) GOOD

TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT: (3) NONE

FAMILY/COMMUN: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

| BASE CUST | VARIANCE | SEC TOTAL | SCORED | LEV | MGMT | SEC LEVEL | CUSTODY | CONSIDER |
|-----------|----------|-----------|--------|-----|------|-----------|---------|----------|
| +16 | +20 | -2 | +14 | LOW | N/A | | IN | DECREASE |

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

BMLCQ * INMATE DISCIPLINE DATA * 10-11-2022
PAGE 001 OF 001 * CHRONOLOGICAL DISCIPLINARY RECORD * 14:41:46

REGISTER NO: 98523-179 NAME.: JEAN, JOEL FRANCOIS **E•X•H•I•B•I•T E**
FUNCTION....: PRT FORMAT: CHRONO LIMIT TO ___ MOS PRIOR TO 10-11-2022

REPORT NUMBER/STATUS.: 2597276 - SANCTIONED INCIDENT DATE/TIME: 06-23-2014 1245
UDC HEARING DATE/TIME: 06-27-2014 1525
FACL/UDC/CHAIRPERSON.: TRV/LIVE OAK/C. SMITH
REPORT REMARKS.....: INMATE WAS INFORMED OF HIS RIGHTS.
INMATE STATED THE REPORT IS TRUE.
310 BEING ABSENT FROM ASSIGNMENT - FREQ: 1
LP COMM / 15 DAYS / CS
COMP: LAW: 15 DAYS LOSS OF COMM. TO BEGIN ON 06-27-2014.

REPORT NUMBER/STATUS.: 2471716 - SANCTIONED INCIDENT DATE/TIME: 07-24-2013 0830
UDC HEARING DATE/TIME: 07-30-2013 1322
FACL/UDC/CHAIRPERSON.: TRV/LIVE OAK/C. SMITH
REPORT REMARKS.....: INMATE WAS INFORMED OF HIS RIGHTS.
310 BEING ABSENT FROM ASSIGNMENT - FREQ: 1
LP EMAIL / 15 DAYS / CS
COMP: LAW: LOSS OF EMAIL FOR 15 DAYS TO BEGIN ON 07-30-2013.

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

EXH E • 01

FSA Recidivism Risk Assessment (PATTERN 01.03.00)

Register Number: 98523-179, Last Name: JEAN

U.S. DEPARTMENT OF JUSTICE

E•X•H•I•B•I•T F

FEDERAL BUREAU OF PRISONS

Register Number: 98523-179

Inmate Name

Last.....: JEAN

First.....: JOEL

Middle.....: FRANCOIS

Suffix.....:

Gender.....: MALE

Risk Level Inmate....: R-MED

General Level.....: R-MED (43)

Violent Level.....: R-MED (25)

Security Level Inmate: LOW

Security Level Faci...: LOW

Responsible Facility..: BML

Start Incarceration...: 09/22/2009

PATTERN Worksheet Summary

| Item | - Value | - General Score | - Violent Score |
|---|-----------------------|-----------------|-----------------|
| Current Age | 48 | 14 | 8 |
| Walsh w/Conviction | FALSE | 0 | 0 |
| Violent Offense (PATTERN) | TRUE | 5 | 7 |
| Criminal History Points | 13 | 40 | 15 |
| History of Escapes | 1 | 3 | 2 |
| History of Violence | 1 | 1 | 2 |
| Education Score | HighSchoolDegreeOrGED | -2 | -2 |
| Drug Program Status | NoNeed | -6 | -3 |
| All Incident Reports (120 Months) | 2 | 2 | 2 |
| Serious Incident Reports (120 Months) | 0 | 0 | 0 |
| Time Since Last Incident Report | 94 | 0 | 0 |
| Time Since Last Serious Incident Report | N/A | 0 | 0 |
| FRP Refuse | FALSE | 0 | 0 |
| Programs Completed | 17 | -12 | -4 |
| Work Programs | 3 | -2 | -2 |
| | Total | 43 | 25 |

EXH E • 01

District Court
Eastern District of Texas
300 Willow Street
Beaumont, TX 77720

A•P•P•E•N•D•I•X 1

Amber Thibodeaux-Paris
15507 Broken Cypress Circle
Houston, TX 77049
October 24, 2022

Dear District Court:

This letter is in support of Joel F. Jean, who is seeking a reduction in sentence to time-served. I wish to take a moment to address Joel's rehabilitation, as I've seen it, over the course of his imprisonment.

Joel is a really good friend of mine turned family. I call him "Uncle Joel." He has always been a positive part of my life especially as a young adult. He was always a supportive and encouraging friend. He has now been gone over 16 years to his family and friends it feels like a lifetime losing such an important part of our lives. Despite the distance we have remained in close contact.

I have seen so many changes in Uncle Joel since he has been gone. Talking to him he we discuss his future often and the man he wants to be for his family. Everyday he strives to better himself through prayer, education, and different self-development activities. Uncle Joel is a very smart man and channeling everything that he has learned over the years in the right direction I fully believe he can be successfully and outstanding addition to society. Uncle Joel has taken different trades and has taken an interest in heating and air condition (HVAC). I know he has taken part in an apprenticeship and has many hours of hands-on experience. I am sure upon being released he will have no problems with securing full-time employment with his knowledge. I work in real estate and have discussed with a contact of mine my Uncle and his situation and they are willing to give him a chance upon his release. He has promising opportunities waiting on him.

Furthermore, not only has Uncle Joel grown personally but spiritually, he is no longer the same person he was who entered prison. Prison sometimes can have a negative outcome on people they lose hope, and they lose themselves. I believe this time Uncle Joel has had he has found himself, a better version of himself. He has become a man of God who is a practicing Christian and is walking in a manner that is pleasing to God. He reaches out to me and helps guide me through tough times in my life. He is always available to listen, we pray together and encourage each other.

I know that returning home after all these years can be difficult for some, but Uncle Joel has a huge support team and people who love and want the best for him. I am one of those people. I pledge to offer him all the support emotional, spiritual, financial, and spiritual that he needs upon his release. I look forward to picking up and building our relationship that we have maintained from afar. My

District Court
October 24, 2022
Page 2

children look forward to getting to know their Uncle Joel and having him be an active part of their lives. He is a wonderful man and deserves a second chance in life.

Uncle Joel has shown remarkable growth; and I urge the court to grant him this opportunity for immediate release. Thank you for your time and considering this letter of support.

Sincerely,

A handwritten signature in black ink, appearing to be 'ATP', with a long horizontal flourish extending to the right.

Amber Thibodeaux-Paris

October 25th, 2022

Joseph Jean
984 Hamilton Drive
Waco, TX 76705

United States District Court
Eastern District of Texas
300 Willow Street
Beaumont, TX 77720

RE: LETTER IN SUPPORT OF JOEL F. JEAN – CASE NO. 1:08-cr-101(1)

Dear District Court:

The purpose of this letter is to help out my father, Joel Francois Jean, in regards to his attempt at a reduction in his sentence. I would like to speak on his behalf in order to illustrate how he has grown over the course of his imprisonment.

It has been really rough growing up with out my father, his absence disturbs me deeply to this day. I often think about how much better my life would have been had he been there to guide me like he wanted. Despite him being gone, we have managed to foster an unbreakable bond that means the world to me and because of this it feels like he will never come home.

My dad has grown exponentially to say the least, in both his knowledge and as a person. His drive for self-improvement inspired me to strive for more in my own life and I know for a fact that I would not be where I am today had he not made the efforts to communicate with me. I now know how to manage my credit because of him. His words and example have shown me how crucial knowledge and research are. He has come so far from the man he used to be and has taught me the importance of cultivating a skill or trade so that I may offer a service to society. Through his countless hours of hands on training and studies of heating and air conditioning (HVAC) he has demonstrated to me how to help one's community instead of hurting it. If released, there is no doubt in my mind that my dad would be able to work anywhere. That's how knowledgeable he is in regards to his field of study. I aspire to emulate his endless work ethic and am proud to call him my dad. He is one the smartest people I have ever known, which makes the pain of his absence even greater.

He has also grown both emotionally and spiritually, on top of his education he has also proven to be a very wise man. My dad has consistently been there to listen and offer heart felt advice in my times of need, helping me to make better decisions in regards to my well-being. I would think that over 16 years in prison would negatively affect one's character and morals but thankfully that is not the case with my dad. He is a devout Christian, who abides by the Lord's commandments, always striving to act in way pleasing to God. Our conversations mean so much to me and I have learned so many life lessons from him. My dad will always have a special place in my heart, we share a bond that a lot of family members struggle to cultivate even outside of prison.

October 25th, 2022
Joseph Jean
984 Hamilton Drive
Waco, TX 76705

I pledge to support my dad however I can when released and anxiously await the day that we can spend more time together. There are no words to describe how great it would be having him home as I have and continue to miss him every day. My father is a reformed man who deserves a second chance at life, this I know in my heart to be true. He only wants a chance to do things the right way and to be there for his family in our time of need as we will be there for him.

In short, my dad has grown tremendously, and I implore the court to grant him this opportunity for immediate release. Thank you for considering this letter of support.

Sincerely,



Pierre Fleming


608 Meadowick Dr.
Baytown, TX 77521RE: letter in Support of Joel F. Jean.
Case no. 1:08-cr-101(1)

Dear District Court:

This letter is in Support of Joel F. Jean, who is seeking a reduction in sentence to time-served. I wish to take a moment to address Joel's rehabilitation as seen over the course of his imprisonment.

Joel is my brother, and I just hate the fact of how long he's been away from our family and from me. He's now been gone over 15 years and sometimes it seems like he'll never come home. First my brother is not the same person who was sent to prison all those years ago. He consistently strives to better himself through education and personal development. He has over the years taken up different trades, and has dedicated so much effort to studying Heating and air conditioning ("HVAC"). He has undertaken an apprenticeship in the field and has spent thousands of hours with the hands-on approach. He has grown both personally and spiritually. He's no longer the same person who entered prison.

Sincerely yours:

Pierre Fleming


To: United States District Court
 Eastern District of Texas
 300 Willow Street
 Beaumont, Tx 77720

November 2, 2022
 From: Lina Jean
 208 Meadowick Dr.
 Baytown, Tx 77521

I am writing this letter on behalf of my son Joel Jean in support of his effort for compassionate release. I have witnessed my son's growth in prison over the last 15 years. He is a man who has used his time wisely to not only to better himself, but to also become a better man.

Joel is my baby boy. The youngest out of ~~seven~~ seven boys. I miss him dearly. It pains me so much because it feels like he is never coming home. He has been gone for over 15 years. I will be 80 years old in January. I pray everyday to God to please let my son come ^{home} before it is too late. My son is a good man. He has made mistakes but he has done everything he can while in there to prepare himself to be a good productive part of society when he is released. He has stayed out of trouble which I always tell him too. He has elevated himself with all the educational and vocational programs he has taken while in there. He sends me all his certificates. I am pleading and begging whomever is reading this, to please give my son a chance.

APP 1 • 06

To have my son home would heal my soul. You have no idea how much I worry on a daily basis about my son. Please try your best to understand how this truly affects

a mother, I have been feeling this way for 15 years. Believe me when I say that my Joel is loved by everyone in the family. He will have all the love and support he needs. He will be released to his mother's home. I already have Joel's bedroom set up and waiting for him because I know God is going to answer my prayers. He always tells me about his plans to open his own H.V.A.C company and how he plans to take care of his Mom.

Once again, I am pleading and begging you to please give my son this chance. He won't let me, his sons, ~~or~~ grandkids ~~down~~ or you down. Please give my son back to me.

Sincerely,

Linda Jean

November 07, 2022

Joel F. Jean
Reg. No. 98523-179
FCI Beaumont Low
P.O. Box 26020
Beaumont, TX 77720

United States District Court
E.D. Tex. - Beaumont Div.

RE: PERSONAL TESTIMONY IN SUPPORT OF A REDUCTION-IN-SENTENCE

Case No. 1:08-cr-101-1

Dear District Court:

After more than 15 years and several changes in the law do I submit this motion for a sentence reduction. I have included many documents evincing the lengths I have gone to in achieving a significant change within, as well as those changes without. Also attached are letters of support from the family who has stood by my side this entire time. Without them, I could not have made such strides. After much thought and prayer, I have come to believe I am ready to be released; and present this motion to you under such conviction. Thank you for hearing me.

When I was sentenced to prison, again, I knew it was for real. Facing nearly a 25-year sentence with no hope for parole or early release forced me to begin a long inward journey towards what I hoped may one day be redemption. My life in prison over these past 15 years has been difficult and painful, as have the moments I missed out on with my family - especially my son. I'll never get those back, and that's some deep regret I must endure. Such is the reality wrought from longterm incarceration; such is the consequence of my wrongdoing.

The difficulty with hope never did end in hopelessness, however; and I passed the years not wallowing, but studying. I figured I could use this time to become exceptionally gifted in one area: HVAC. And I have. With now over 20 years of experience, I will have little resistance in securing employment. One day I will open my own company specializing in it; and will spend these first years out saving to do so. I will also spend those years becoming reacquainted with my family, especially my son, and looking after my mother.

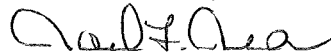
It's worth mentioning how my view of life has changed since you sentenced me. Simply, I discovered how much I longed to love. Prison is a stark, hard, and cold environment where love often seems so far away. It often feels empty, and can drive a man to believe as much about himself. The LORD works miracles here, and I've become convicted of having failed Him, and my family, and myself. Yet, he offers second chances; and I thank Him for those... because I'd be otherwise lost.

I've come to see this experience as the place I needed to be to learn the lessons about love I disregarded growing up. I now have those; and do hope the Court affords me the opportunity to exercise them now, rather than later.

Simply put, everything I have been through has shaped me into the man who writes you today. I am grateful for this experience, and do thank the Court for having been the impetus of its imposition. I would rather go through the rest of my life being the man I now am, instead of the man I used to be.

Thank you for allowing me this opportunity.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joel Francois Jean". The signature is fluid and cursive, with the first name "Joel" being more prominent.

Joel Francois Jean

November 10, 2022

Jacob A. Powell
Reg. No. 46655-177
FCI Beaumont Low
P.O. Box 26020
Beaumont, TX 77720

United States District Court
300 Willow Street
Beaumont, TX 77701

RE: LETTER IN SUPPORT OF JOEL F. JEAN • CASE NO. 1:08-cr-0101-01

Dear District Court in Beaumont, Texas:

Greetings. This letter is written in support of Mr. Joel F. Jean, a fellow prisoner whom I have befriended during our tenure at FCI Beaumont Low. As someone who sees and interacts with Jean on a regular basis, I'd like to share my impressions with the Court as a decision is made whether to grant compassionate release or some other reduction. I pray the Court does so.

First, Jean carries himself in a manner worthy of an environment more civilized than a prison. He is courteous, well-mannered, polite, and sophisticated - traits not often seen here. When I first met him, I found it hard to believe he had been imprisoned for so long, and that he had began at a USP. He reminds me more of the faculty from the college I had attended; certainly not of someone in the midst of a prolonged stretch of American justice.

Second, Jean is interesting, expressing himself and his ideas with articulated precision and remarkable attention to detail. He tends to his studies with focus, and remains dedicated no matter the obstacle, which prison is full of. He cares deeply for learning, as well as for teaching and leading others, especially the younger guys. Around here, he's a role-model who gives his time, his attention, his knowledge, and even his resources in helping the guys make better decisions. They'd follow him anywhere.

Third, Jean walks in a manner pleasing to the Lord; for he keeps His Commandments. Prison is full of temptations, and many men fall prey to such enticements. Jean's life revolves around the Lord, and he helps others - including me - strive likewise. It will be sad to see him go, but this is no place for him. Not anymore.

Jean's a strong man who struggled through much to get that way. He just doesn't give up, refuses to quit, and I think that's served him well despite the harshness of this place. I do hope you give him a shot. I've seen many guys go, and many guys return, but Jean won't be back. Thank you for allowing me to share what I think.

Sincerely,

Jacob A. Powell



APP 1 • 08

CENTRAL TEXAS COLLEGE - FICE 004003
 PO BOX 1800
 KILLEEN, TX 76540-1800
 Permanent Academic Record
 Date: 10/13/2014

PAGE 1

Mr Joel F. Jean
 Rt 2 Box 4400
 Gatesville TX 76597

| |
|---------------------------------|
| A • P • P • E • N • D • I • X 2 |
|---------------------------------|

Student Name: Mr Joel F. Jean
 DOB: September 29
 ID:

INSTITUTIONAL CREDITS

| | GRADE | HRS ATT | HRS EARN | HRS TO/GPA | GRADE POINTS | GPA |
|--------------------------------|-------|------------|-------------|---------------|-----------------|-------|
| Spring 1996 | | | | | | |
| ** Dean's List ** | | | | | | |
| AIRC 1400 Basic Ac/Refrig Thry | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| AIRC 1401 Elec for Ac/Refrig I | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| AIRC 1403 Heating Systems | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| AIRC 1406 Elect Ac/Refrig II | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| Term Total: | | 16.0 | 16.0 | 16.0 | 64.0 | 4.000 |
| Cum Total: | | 16.0 | 16.0 | 16.0 | 64.0 | 4.000 |

Certificate of Completion I in Air Conditioning
 Conferred May 18, 1996
 Graduation GPA = 4.000

| | | | | | | |
|---------------------------------|---|------|------|------|-------|-------|
| Summer 1996 | | | | | | |
| ** Dean's List ** | | | | | | |
| AIRC 1407 Mech Refrig Systems | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| AIRC 2400 Elect Ac/Refrig III | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| AIRC 2404 Trblshot Ac/Refig Sys | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| AIRC 2405 Heat Pumps I | A | 4.0 | 4.0 | 4.0 | 16.0 | |
| Term Total: | | 16.0 | 16.0 | 16.0 | 64.0 | 4.000 |
| Cum Total: | | 32.0 | 32.0 | 32.0 | 128.0 | 4.000 |

SUMMARY OF CREDITS

Transfer Credits: 0.0
 Evaluated Credits: 0.0
 Institutional Credits: 32.0
 Cumulative Credits: 32.0
 Credits toward GPA: 32.0

TEC 51.907 Undergraduate Course Drop Counter: N This process is under development and the counter is inactive

TEXAS SUCCESS INITIATIVE CLASSIFICATION

| AREA | STATUS | EXPLANATION |
|------|--------|----------------------|
| All | Waived | Institutional Waiver |

*** CONTINUED ***

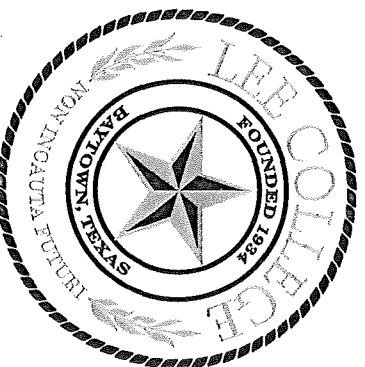
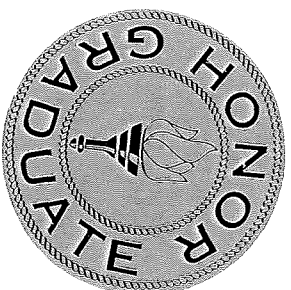
Lee College

Upon the recommendation of the faculty
the Trustees of Lee College have conferred upon

Joel Francois Jean
the degree of

Associate of Applied Science
Air Conditioning, Heat & Refrigeration

with all rights, privileges, and honors thereto
pertaining here and elsewhere.
Given at Baytown, Texas this fourth day
of May, two thousand and one.



Susan Moore-Fontenot

Chairperson, Board of Regents

Denis Brown

President of the College

Certificate of Completion

This certifies that

Joel Jean (98523-179)

has successfully completed the

Drug Education Course

at USP Big Sandy

This 3^d day of June, 2010

M. Salter

M. Salter

Drug Treatment Specialist

APP 2 • 03

Adult Continuing Education Program

Certificate of

A C H I E V E M E N T

THIS CERTIFIES THAT

JOEL JEAN

HAS COMPLETED THE REQUIREMENTS FOR THE CLASS

KEYBOARDING,

AND IS THEREFORE ISSUED THIS CERTIFICATE.

PRESENTED BY THE EDUCATION DEPARTMENT, USP BIG SANDY

November 4, 2010



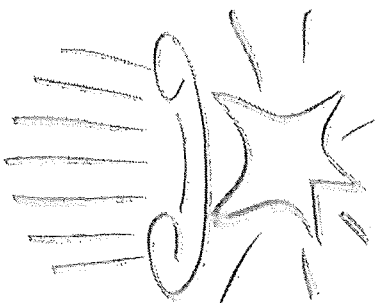
P. Patterson, Acting SOE



K. Callahan, VT Instructor

APP 2 • 04


Adult Continuing Education Program



Certificate of Achievement

This certifies that Joel Jean has
completed the requirements for the
class Strategic Thinking
and is therefore issued this certificate.
Presented by the Education Department,
USP Big Sandy.

January 18, 2011


G. Bratcher, Supervisor of Education


S. Napier, ACE Coordinator

APP 2 • 05

Adult Continuing Education Program



Certificate of

JOEL JEAN

THIS CERTIFIES THAT

JOEL JEAN

HAS COMPLETED THE REQUIREMENTS FOR THE
CAREER BUILDER TYPING COURSE,

AND IS THEREFORE ISSUED THIS CERTIFICATE.
PRESENTED BY THE EDUCATION DEPARTMENT, USP BIG SANDY

November 27, 2011

G. Bratcher, SOE

K. Callahan, VT Instructor

APP 2 • 06

Adult Continuing Education Certificate of Completion

awarded to:

Joel Jean

89523-179

Successfully completed

Spanish I

APP 2 • 07

V. Zamzow

V. Zamzow/ ACE Coordinator

Sept 25, 2013

Date

Adult Continuing Education Certificate of Completion

awarded to:

Joel Jean

98523-179

Real Estate

APP 2 • 08

V. Zamzow

V. Zamzow/ ACE Coordinator

December 21, 2014

Date

Coastal Bend College

Beeville

Alice

Kingsville

Pleasanton

Certificate of Achievement

This certificate is awarded to

JOEL FRANCOIS JEAN


as evidence of satisfactorily completing the requirements for

Construction & Maintenance Trades - Carpentry Option

72.0 CEU Credits (720 Contact Hrs.)

Awarded on the 20th day of October 2014

APP 2 • 09



Katie Sherman
Customized and Continuing Education
Director



Dr. Beatriz Espinoza
President

Adult Continuing Education

Certificate of Completion

Is awarded to:

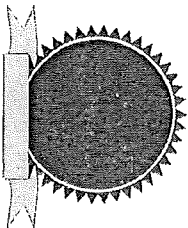
Joel Jean
98523-179

Who has successfully completed 20 hours of
Trade Math

While exhibiting exceptional involvement and drive for self-improvement

P. Pugh

P. Pugh / ACE Coordinator
F.C.I. Three Rivers, Texas



October, 2014

Date

APP 2 • 10

Adult Continuing Education

Certificate of Completion

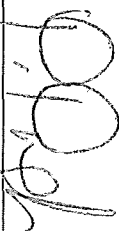
Is awarded to:

Joel Jean
98523-179

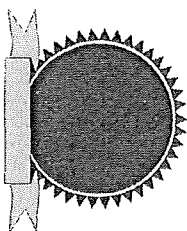
Who has successfully completed 20 hours of
Plumbing

While exhibiting exceptional involvement and drive for self-improvement

APP 2 • 11



P. Puga ACE Coordinator
F.C.I. Three Rivers, Texas



1/8/2015
Date

Adult Continuing Education

Certificate of Completion

Is awarded to:

Joel Jean
98523-179

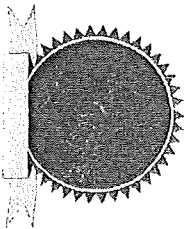
Who has successfully completed 20 hours of

Electric I

While exhibiting exceptional involvement and drive for self-improvement



P. Puga / ACE Coordinator
F.C.I. Three Rivers, Texas



6/16/2015

Date

APP 2 • 12

Certificate of Completion

awarded to:

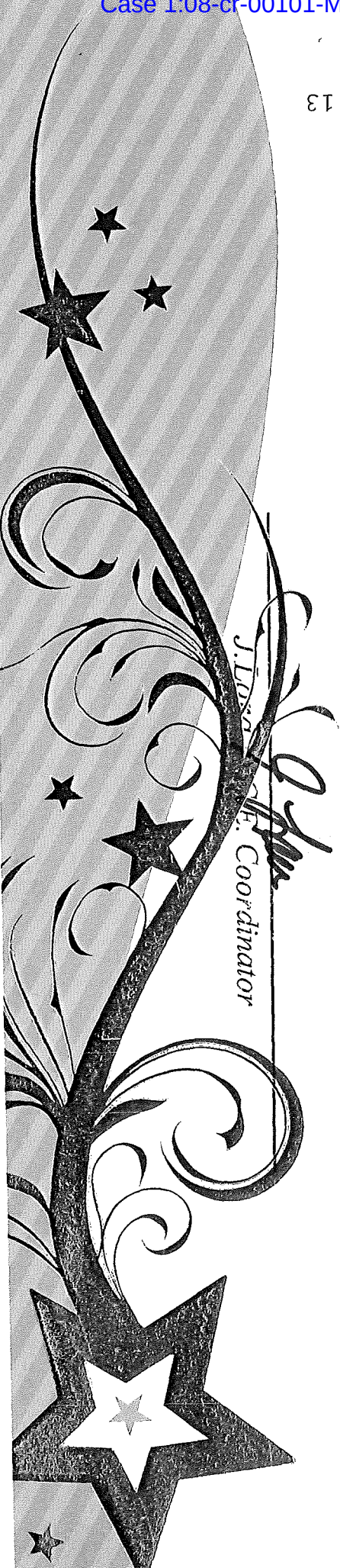
Joel Jean

98523-179

completion of A.C.E. class
Keyboarding 1
On This 29th Day of June 2015

APP 2 • 13

J. Lynn
J. Lynn
Coordinator



Adult Continuing Education

Certificate of Completion

Is awarded to:

Joel Jean
98523-179

Who has successfully completed 20 hours of
Electric II

While exhibiting exceptional involvement and drive for self-improvement

P. Pugh
P. Pugh / ACE Coordinator
F.C.I. Three Rivers, Texas

APP 2 • 14



8/31/2015
Date

Adult Continuing Education

Certificate of Completion

Is awarded to:

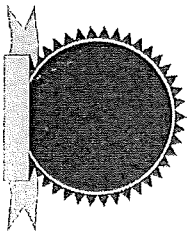
Joel Jean
98523-179

Who has successfully completed 20 hours of
Electric III

While exhibiting exceptional involvement and drive for self-improvement



D. Pugh / ACE Coordinator
F.C.I. Three Rivers, Texas



11/26/2015
Date

APP 2 • 15

Certificate of Achievement

Joel Jean

has successfully completed the required coursework for

Employment Opportunities

Awarded by the Department of Education
this 14th day of March, 2018

M. Robinson

M. Robinson, Assistant Supervisor of Education

B. Perkins

B. Perkins, R.P.P. Coordinator

Certificate of Achievement

Joel Jean

has successfully completed the required coursework for

Employment Opportunities

Awarded by the Department of Education
this 13th day of June, 2018

M. Robinson

M. Robinson, Assistant Supervisor of Education

B. Perkins

B. Perkins, R.P.P. Coordinator

APP 2 • 17

Certificate of Achievement

Joel Jean

has successfully completed the required coursework for

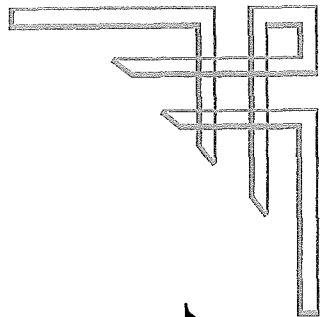
Money Smart

Awarded by the Department of Education
this 14th day of June, 2018

M. Robinson
M. Robinson, Assistant Supervisor of Education

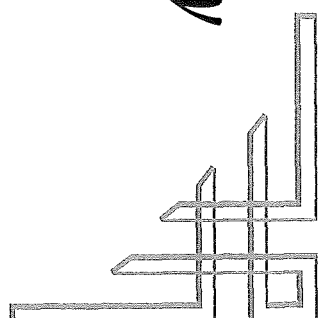
B. Perkins
B. Perkins, R.P.P. Coordinator

APP 2 • 18



American Society for Quality

Joel F. Jean



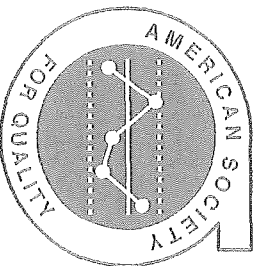
*has satisfactorily fulfilled the requirements established
by the Society for professional attainment in
Quality Improvement*

*and is, therefore, certified by the Society as a
Certified Quality Improvement Associate*

Certification Number 14258
Certification Date 6/21/2019

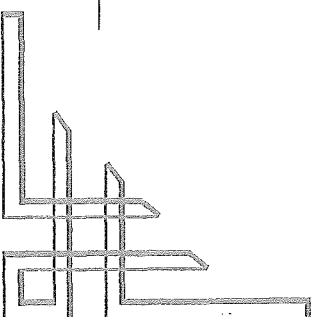
[Signature]

Chair, Certification Board



[Signature]

Chair



CERTIFICATE COMPLETION

AWARDED TO

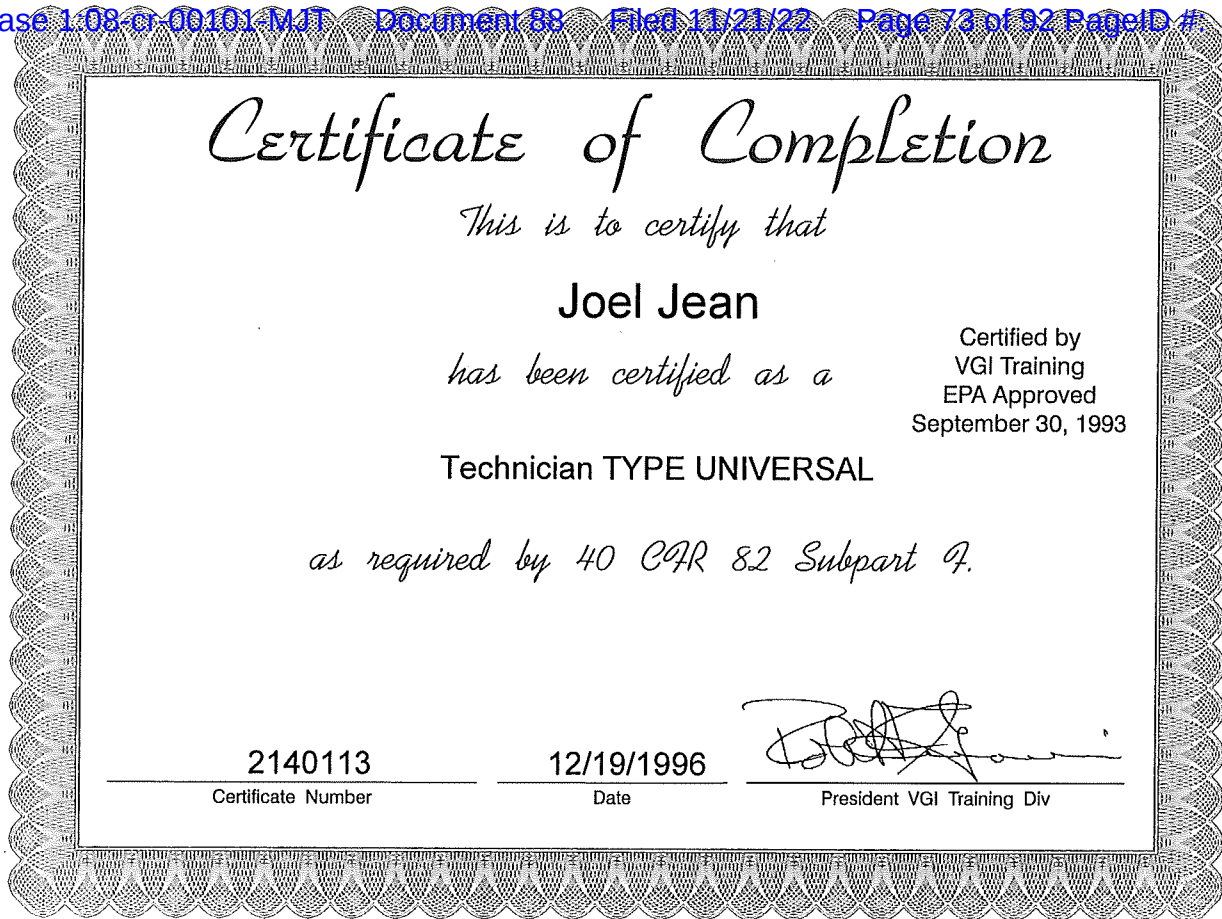
Joel Francois Jean

For completing the Employment Skills RPP Class

Awarded this 8th day of June, 2022

Dr. Suzanne RPP Coordinator

APP 2 • 20



△ △ △ △ △ DETACH CERTIFICATE HERE △ △ △ △ △

Type(s) Sought:

Certificate of Completion

This is to certify that

Joel Jean


has been certified as a

Technician TYPE UNIVERSAL

as required by 40 CFR 82 Subpart 7.

2140113

12/19/1996



Certificate Number

Date

President VGI Training Div

Certified by
VGI Training
EPA Approved
September 30, 1993

Test Results

| | Score | Grade to pass | Passed |
|-----------|---|---------------|--------|
| Core | 24 | 18 | Y |
| Type I | 23 | 18 | Y |
| Type II | 23 | 18 | Y |
| Type III | 23 | 18 | Y |
| Universal | Requires passing scores (Y) in all Types. | | Y |

Joel Jean
FCI Three Rivers PO Box 4200
Three Rivers TX 78071-

To receive a "I help protect the Ozone Layer!" bumpersticker, please send a self-addressed stamped envelope to:

VGI Training/Bumpersticker
1156 107th St.
Arlington TX 76011

Congratulations

We have processed your test and your scores, certificate, and wallet card are attached.

APP 2 • 21

Refrigerant containment is a technique of the professional.

Please keep that professionalism in mind as you go about your daily work.

WINDHAM SCHOOL DISTRICT

Huntsville, Texas

This is to acknowledge that

JOEL FRANCOIS JEAN

has creditably completed the course of

MAJOR APPLICANCE SERVICE TECHNOLOGY

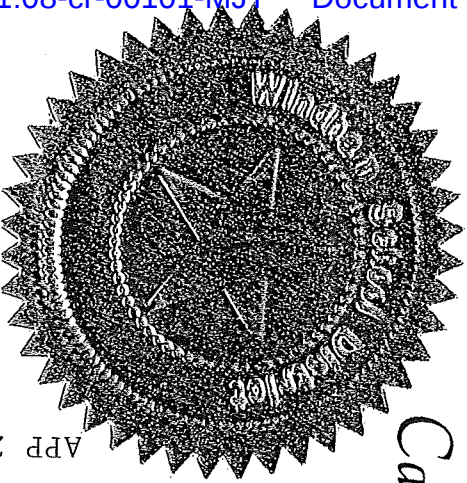
and as evidence is awarded this

Career and Technology Education Certificate

FEBRUARY 4, 1998

Date

Windham School District Administrator



APP 2 • 22

WINDHAM SCHOOL DISTRICT

Huntsville, Texas

This is to acknowledge that

JOEL FRANCOIS JEAN

has creditably completed the course of

HEATING, VENTILATION, AIR CONDITIONING & REFRIGERATION

and as evidence is awarded this

Career and Technology Education Certificate

DECEMBER 20, 1996

Date

Windham School District Administrator



APP 2 • 23

Case 1:08-cr-00101-MJT Document 88 Filed 11/21/22 Page 76 of 92 PageID #: 425
JOEL FRANCOIS JEAN SPN: 01149953 998 DATE PREPARED: 032092 BY: 1d DA NO.: 292
115 ARBOR #12 DOB: BM/092973 AGENCY: HCOCU/BAYTOWN O/R NO.: TF-2431
BAYTOWN, TX NCIC CODE: 3533-10 ARREST DATE: 032092
FELONY CHARGE: RELATED CASES:
POSS COMB SUBST W/INT TO DELIVER (CRACKS) 185th
CAUSE NO.: 627436 GJ 173 95
HARRIS COUNTY DISTRICT COURT NO.: 176th BAIL \$ 10,000. Vol Page AX CIV
PRIOR CAUSE NO.:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas,

JOEL FRANCOIS JEAN

hereafter styled the Defendant, heretofore on or about MARCH 20, 1992
then and there unlawfully

intentionally and knowingly possess with intent to deliver,
a controlled substance, namely, cocaine, weighing less than
28 grams by aggregate weight, including any adulterants or
dilutants.

A.P.P.E.N.D.I.X 3

AGAINST THE PEACE AND DIGNITY OF THE STATE.

185th

Foreman

Talmadge Sharp

FOREMAN OF THE GRAND JURY

1992-11-21 PM 3:06

APP 3 • 01

KE 999

B5

THE STATE OF TEXAS
VS.
JIM FRANCIS JON
COURT OF HARRIS COUNTY, TEXAS
Change of Venue From: N/A

JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT - WAIVER OF JURY TRIAL

| | | | |
|---|---|--|------------------------------|
| Judge Presiding: | ERIAN RAIN | Date of Judgment: | 05/26/1992 |
| Attorney for State: | ELSA ALCA | Attorney for Defendant: | JIM LAITNER] Waived Counsel |
| Offense | UNLAWFULLY, INTENTIONALLY AND KNOWINGLY POSSESS A CONTROLLED SUBSTANCE, NAMELY COCAINE, WEIGHING LESS THAN 28 GRAMS BY AGGREGATE WEIGHT INCLUDING ANY ADULTERANT OR OTHER DILUTANTS | | |
| Convicted of | BY AGGREGATE WEIGHT INCLUDING ANY ADULTERANT OR OTHER DILUTANTS | | |
| Degree: | 1st | Date Offense Committed: | 03/20/1992 |
| Charging Instrument: | Indictment/Information | Plea: | GUILTY/NOLO CONTENDERE |
| Terms of Plea | 5 YEARS TDC | | |
| Bargain (In Detail): | 5 YEARS TDC | | |
| Plea to Enhancement Paragraph(s): | N/A | Findings on Enhancement: | N/A |
| Findings on Use of Deadly Weapon: | N/A | Date Sentence Imposed: | 05/26/1992 |
| Date Sentence Imposed: | 05/26/1992 | Costs: | \$14.50 |
| Punishment and Place of Confinement: | 5 YEARS TDC IF fine | Date to Commence: | 03-20-1992 |
| Time Credited: | N/A | Total Amount of Restitution/Reparation/Reward: | |
| Concurrent Unless Otherwise Specified: | | Restitution/Reward to be Paid to: | |
| Statement of amount of Payment Required/Terms of Payment: | | Name: | |
| | | Address: | |
| Name of Victim/Other Person/Agency: | | Noting Address: | |

This cause being this day called for trial, the State appeared by her District Attorney as named above and the Defendant named above appeared in person and either by Counsel as named above or knowingly, intelligently and voluntarily waived the right to representation by counsel as indicated above, and both parties announced ready for trial. The Defendant, waived his right of trial by jury, and pleaded as indicated above; thereupon the Defendant was admonished by the Court as required by Article 26.13, Code of Criminal Procedure. And it appearing to the Court that the Defendant is mentally competent to stand trial, the plea is freely and voluntarily made, and the Defendant is aware of the consequences of his plea, the plea is hereby received by the Court and entered of record. The Court, having heard the evidence submitted, found the Defendant guilty of the offense indicated above, a felony.

- [] The Defendant, with the written agreement of the court, requested that a presentence investigation report not be made by the Probation Officer.
- [X] The Court directed the Probation Officer to prepare a presentence investigation report.

On the 26th day of MAY, A.D. 1992, the Court assessed punishment as indicated above.

It is therefore CONSIDERED, ORDERED AND ADJUDGED by the Court that the Defendant is guilty of the offense indicated above, a felony, and that the said Defendant committed the said offense on the date indicated above, and that he be punished by confinement in the Institutional Division, Department of Criminal Justice for the period indicated above, and that the State of Texas do have and recover of the Defendant all costs of the prosecution, for which execution will issue.

And thereupon the said Defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him, and he answered nothing in bar thereof. Whereupon the Court proceeded, in the presence of said Defendant, to pronounce sentence against him as follows, to wit: "It is the order of the Court that the Defendant, named above who has been adjudged to be guilty of the offense indicated above, a felony, and whose punishment has been assessed at confinement in the Institutional Division; Department of Criminal Justice for the period indicated above, be delivered by the Sheriff of Harris County, Texas, immediately to the Director of Institutional Division of the State of Texas, or other person legally authorized to receive such convicts, and said Defendant shall be confined in said Institutional Division for the period indicated above, in accordance with the provisions of the law governing the Institutional Division, Department of Criminal Justice.

The said Defendant was remanded to jail until said Sheriff can obey the directions of this sentence.

*February
Pr. 02/11/25*

THE STATE OF TEXAS
VS.
JOEL FRANCOIS JEAN
2500 EAST JAMES #C-4
BAYTOWN, TX. 77520

D.A. LOG NUMBER: 107240

CJIS TRACKING NO.: 9000998689-A001

SPN: 01149953 994

BY: JH DA NO: 374

DOB: BM/9-29-73

AGENCY: BAYTOWN PD

DATE PREPARED: 4/8/94

O/R NO: 9413989

ARREST DATE: 4-8-94

NCIC CODE: 3533 10

FELONY CHARGE:

POSS. CONTROLLED SUBSTANCE W/INTENT TO DELIVER

CAUSE NO: 617881

HARRIS COUNTY

DISTRICT COURT NO: 339

RELATED CASES: JENNIFER A. ONEAL

Vol 187 Page 92 AXGM

BAIL: \$ 20,000

PRIOR CAUSE NO:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, JOEL FRANCOIS JEAN, hereafter styled the Defendant, on or about APRIL 8, 1994, did then and there unlawfully, intentionally and knowingly possess with intent to deliver a controlled substance, namely, COCAINE, weighing less than 28 grams by aggregate weight, including any adulterants and dilutants.

Before the commission of the offense alleged above on May 26, 1992, in Cause No. 617881, in the 176th District Court of Harris County, Texas, the Defendant was convicted of the felony of delivery of a controlled substance, namely, Cocaine.

[Handwritten signature]

AGAINST THE PEACE AND DIGNITY OF THE STATE.

FOREPERSON

179TH

[Handwritten signature]

APP 3 • 03

FOREMAN OF THE GRAND JURY

INDICTMENT

THE STATE OF TEXAS

IN THE 339 DISTRICT

VS.

Joel Francois Jean

COURT OF HARRIS COUNTY, TEXAS

Change of Venue From: N/A

JUDGMENT ON PLEA OF GUILTY/NOLO CONTENDERE/NOT GUILTY BEFORE COURT-WAIVER OF JURY TRIAL

Judge Presiding: Joseph Guarino

Date of Judgment: August 25, 1994

Attorney

for State:

Colleen Barnett

Attorney

for Defendant:

John Denninger

N/A
Waived
Counsel

Offense

Convicted of:

unlawfully, intentionally and knowingly possess with intent to deliver a controlled substance, namely, Cocaine, weighing less than 28 grams by aggregate weight, including any adulterants and diluents

Degree: 1st

Committed:

April 8, 1994

Charging

Instrument:

Indictment/Information

Plea: Guilty/Nolo Contendere/Not Guilty

Terms of Plea

Bargain (In Detail):

Court Trial / PSI

(Circle appropriate selection - N/A = not available or not applicable)

Plea to Enhancement

Paragraph(s):

True | Not True | N/A

Findings on

Enhancement:

True | Not True | N/A

Affirmative Findings: (Circle appropriate selection - N/A = not available or not applicable)

DEADLY WEAPON: Yes | No | N/A

FAMILY VIOLENCE: Yes | No | N/A

HATE CRIME: Yes | No | N/A

Date Sentence

Imposed:

October 10, 1994

Date to

Commence:

October 10, 1994

Costs: \$139.50

Punishment Imposed and

18 yrs TOST - 10

Place of Confinement: Institutional/State Jail Division

Fines: \$1,000.00

Time Credited:

185 days

Total Amount of

Restitution/Reparation/Reward:

N/A

Concurrent Unless Otherwise Specified:

Restitution/Reward to be Paid to:

Name:

Address:

Statement of Amount of Payment(s) required/Terms of Amount:

This cause being called for trial, the State appeared by her District Attorney as named above and the Defendant named above appeared in person and either by Counsel as named above or knowingly, intelligently and voluntarily waived the right to representation by counsel as indicated above, and both parties announced ready for trial. The Defendant, waived his right of trial by jury, and pleaded as indicated above; thereupon the Defendant was admonished by the Court as required by Article 26.13, Code of Criminal Procedure. And it appearing to the Court that the Defendant is mentally competent to stand trial, the plea is freely and voluntarily made, and the Defendant is aware of the consequences of his plea, the plea is hereby received by the Court and entered of record. The Court, having heard the evidence submitted, found the Defendant guilty of the offense indicated above, a felony.

It is therefore CONSIDERED, ORDERED AND ADJUDGED by the Court that the Defendant is guilty of the offense indicated above, a felony, and that the said Defendant committed the said offense on the date indicated above, and that he be punished by confinement in the Institutional Division or State Jail Division, Texas Department of Criminal Justice, as indicated above, for the period indicated above, and that the State of Texas do have and recover of the Defendant all costs of the prosecution, for which execution will issue. Further, the court finds the Presentence Investigation, if so ordered, was done according to the applicable provisions of Art. 42.12, Sec. 9, Code of Criminal Procedure.

And thereupon the said Defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him, and he answered nothing in bar thereof. Whereupon the Court proceeded, in the presence of said Defendant, to pronounce sentence against him as follows, to wit: "It is the order of the Court that the Defendant, named above who has been adjudged to be guilty of the offense indicated above, a felony, and whose punishment has been assessed at confinement in the Institutional Division or State Jail Division, Texas Department of Criminal Justice, as indicated above, for the period indicated above, be delivered by the Sheriff of Harris County, Texas, immediately to the Director of Institutional Division or State Jail Division, Texas Department of Criminal Justice, as indicated above, for the period indicated above, of other person legally authorized to receive such convicts, and said Defendant shall be confined in said Institutional Division or State Jail Division, Texas Department of Criminal Justice, as indicated above, for the period indicated above, in accordance with the provisions of the law governing the Institutional Division, or State Jail Division, Texas Department of Criminal Justice.

The said Defendant was remanded to jail until said Sheriff can obey the directions of this sentence.

RECORDER'S MEMORANDUM:
This instrument is of poor quality and not satisfactory for photographic reproduction; and/or alterations were present at the time of filing.

APP 3 • 04

Plea of Guilty/Nolo Contendere/Not Guilty Before the Court
CRM-2 R08-12-94



U. S. Department of Justice
Federal Bureau of Prisons
UNICOR Federal Prison Industries
Federal Correctional Institution
Beaumont, Texas 77705

June 11, 2021

A • P • P • E • N • D • I • X 4

Memorandum For: To Whom It May Concern

Thru: Acey, XA Unit Manager

From: B. Sauls, Quality Assurance Manager

A handwritten signature in black ink, appearing to read "B. Sauls", is written over the "From:" line.

Subject: Joel Jean #98523-179

During my tenure in managerial roles within FPI UNICOR Beaumont, inmate Joel Jean #98523-179, has represented himself to be a valuable, trustworthy and indispensable asset. Inmate Jean is and remains a integral human resource to the FPI UNICOR administrative team in his role as an Administrative Clerk.

Inmate Jean is a true testament of an individual, whom has educated not only himself, but many of his peers, as he prepares for re-entry back into society. Evidenced not only by his commitment to FPI UNICOR inmate Jean has cemented his mastery of vocational abilities in carpentry and welding through the Education Department. We here at FPI UNICOR are proud to assert that inmate Jean was part of a select group of inmates who were chosen to take the Certified Quality Improvement Associate course, which inmate Jean also mastered and has led to his being recognized by the American Society for Quality with a professional certification in Certified Quality Improvement Associate.

I have over 20 years of experience within the Federal Bureau of Prisons and very rarely have I come across an inmate that has truly worked on himself from the day of his admittance in the custody of the Bureau of Prisons, at bettering himself, for an eventual successful return into society. Due to the continuing education inmate Jean has obtained and continues to pursue, relative to his entrance back into society I am of the opinion, that inmate Jean has not only accepted responsibility for his actions, but chance afforded him, through compassionate release.

Inmate Jean deserves an opportunity to prove himself once again, that he can and will be a productive member of society by mentoring those less fortunate, who may continue to fail and have no hope of a bright future. I applaud his continuing efforts to be a better man, an individual whom has learned from his mistakes and move forward, with no regrets and never once blaming others for his choices in life, but accepting full responsibility for his actions.

I hope you find this helpful, in determining inmate Joel Jean is ready for a successful return to society.

APP 4 • 01



U. S. Department of Justice
Federal Bureau of Prisons
UNICOR Federal Prison Industries
Federal Correctional Institution
Beaumont, Texas 77705

June 21, 2021

Memorandum For: To Whom It May Concern

Thru: Acey, AA Unit Manager
From: C. Clack, Fabric Work Supervisor
Subject: Joel Jean #98523-179

Throughout my career in corrections and subsequently in FPI UNICOR Beaumont, inmate Joel Jean #98523-179, stands out within his administrative role as an individual whose level of knowledge and expertise has led him to become a consistent and indispensable employee. Inmate Jean is counted upon to perform advanced business equations, statistical and problem solving techniques with a high degree of precision that is vital to maintaining our forty-nine (49) million dollar Department of Defense contract here at FPI UNICOR Beaumont..

Inmate Jean approaches his assignments with tenacity, dedication and unequivocal focus which has a direct impact on FPI UNICOR Beaumont being one of the only factory's in the clothing and textile group to remain open during the COVID-19 pandemic. Witnessing inmate Jean tackle challenge after challenge until a successful result is achieved is one of the rare qualities I have seen inmate Jean demonstrate time and again in the face of adversity. Perhaps it is this documented trait alone that can provide substantial evidence that inmate Jean's exceptional capabilities are best served providing for himself, his family and serving his community, as opposed to expending government funds to "warehouse" inmate Jean.

I have over two decades of experience in corrections on the state and federal level and I find that inmates who apply themselves to reentry from the day of admittance while in the custody rarely ever recidivise and return to prison. I am of the opinion and would solemnly affirm that inmate Jean is one of those rare individuals who have accepted responsibility for his actions, but chance afforded him, through compassionate release would continue his pursuit of excellence as contributing member of society.

As a citizen-servant myself I would acknowledge the fact inmate Jean could become a vital spokesmen and shining example to thwart recidivism, which has led to the overcrowded environment in which I am employed.

I pray you find this helpful determining the purpose of corrections has been fulfilled and inmate Joel is ready for a successful return to society.

A•P•P•E•N•D•I•X 5

OPI: CPD/CPB
NUMBER: 5100.08, CN-1
DATE: September 4, 2019
SUBJECT: Inmate Security Designation and Custody
Classification



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

CHANGE NOTICE OPI: CPD/CPB NUMBER: 5100.08, CN-1

DATE: September 4, 2019

**Inmate Security Designation and Custody
Classification**

prol

A•P•P•E•N•D•I•X 5

5. HISTORY OF ESCAPE OR ATTEMPTS

5. HISTORY OF ESCAPE OR ATTEMPTS

| | | NONE | >15 YEARS | 10-15 YEARS | 5-10 YEARS | <5 YEARS | |
|---------|---|-------|-----------|-------------|------------|----------|--|
| MINOR | 0 | 1 | 1 | 2 | | 3 | |
| SERIOUS | 0 | 3 (S) | 3 (S) | 3 (S) | 3 (S) | | |

Enter the appropriate number of points that reflect the escape history of the individual, considering only those acts for which there are documented findings of guilt (i.e., DHO, Court, Parole, Mandatory Release, or Supervised Release Violation).

Escape

History includes the individual's entire background of escapes or attempts to escape from confinement, or absconding from community supervision, excluding the current term of confinement.

EXCEPTION: Any institution disciplinary hearing (UDC or DHO) finding that a prohibited act was committed during the current term of confinement will be scored as a history item.

State disciplinary findings are scored unless there is documentation that the state disciplinary proceedings did not afford due process protection to the inmate.

Fleeing or Eluding Arrest, Failure to Appear for traffic violations, runaways from foster homes and similar behavior **should not be scored under the Escape History item, even if clearly documented,** but should be considered on a case-by-case basis under the Management Variable "Greater Security." Failure to Appear or Flight to Avoid Prosecution for any offense however, must be counted when there is a documented finding of guilt.

pro

U.S. Department of Justice
Office of the Attorney General

A • P • P • E • N • D • I • X 6

First Step Act Annual Report

April 2022

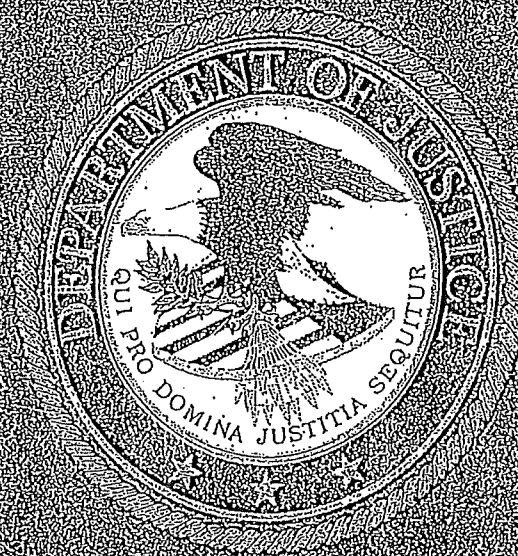


Table 2a. New Male General Tool Cut Points

| | PATTERN Score | Population Percentage | Group Population Percentage | Recidivism Rate | Group Recidivism Rate |
|-----------|------------------|--------------------------|-----------------------------------|--------------------|-----------------------------|
| → Minimum | -22 to 5 | 10.5 | 55.2 | 8.7 | 28.1 |
| → Low | 6 to 39 | 44.7 | | 32.7 | |
| → Medium | 40 to 54 | 23.0 | 44.8 | 62.9 | 73.1 |
| → High | 55 to 109 | 21.8 | | 80.4 | |

Table 2b. Impacts of New Male General Tool Cut Points

| | Total | White | Black | Hispanic | Native American | Asian |
|---|-------|-------|--------|----------|--------------------|--------|
| Current – Percent Males in Lower Risk Level Groups | 44.0 | 55.7 | 31.7 | 51.0 | 21.7 | 70.0 |
| Current – Ratio of White:Minority | - | - | 1.76:1 | 1.09:1 | 2.57:1 | 0.80:1 |
| New – Percent Males in Lower Risk Level Groups | 55.2 | 65.2 | 43.1 | 64.4 | 33.8 | 78.9 |
| New – Raw Difference from Current | 11.2 | 9.5 | 11.5 | 13.4 | 12.2 | 8.9 |
| New – Percent Increase from Current | 25.5 | 17.0 | 36.3 | 26.2 | 56.1 | 12.7 |
| New – Ratio of White:Minority | - | - | 1.42:1 | 1.00:1 | 1.70:1 | 0.84:1 |

females in the minimum RLC under the violent tool have a predicted risk of violent recidivism of 1.6 percent, and females in the low RLC have a predicted risk of violent recidivism of 7.6 percent.

In addition, Tables 1a and 1b demonstrate that most of the individuals score in the minimum or low risk level groups under the violent tools. Among males, 57.6 percent of the population falls into either the minimum or low RLC for violent recidivism, and among females, 94 percent of the population falls into either the minimum or low RLC for violent recidivism.

Table 1a. Male Violent Tool Cut Points [Unchanged]

| | PATTERN Score | Population Percentage | Group Population Percentage | Recidivism Rate | Group Recidivism Rate |
|---------|------------------|--------------------------|-----------------------------------|--------------------|-----------------------------|
| Minimum | -11 to 7 | 16.8 | 57.6 | 1.4 | 6.9 |
| Low | 8 to 24 | 40.8 | | 9.2 | |
| Medium | 25 to 31 | 15.9 | 42.4 | 20.2 | 30.1 |
| High | 32 to 71 | 26.5 | | 36.1 | |

Table 1b. Female Violent Tool Cut Points [Unchanged]

| | PATTERN Score | Population Percentage | Group Population Percentage | Recidivism Rate | Group Recidivism Rate |
|---------|------------------|--------------------------|-----------------------------------|--------------------|-----------------------------|
| Minimum | -11 to 1 | 50.1 | 94.0 | 1.6 | 4.4 |
| Low | 2 to 11 | 43.9 | | 7.6 | |
| Medium | 12 to 17 | 5.5 | 6.1 | 19.4 | 21.4 |
| High | 18 to 30 | .6 | | 39.1 | |

As a general matter, the violent PATTERN tool operates to impose a public safety check on the operation of the FSA's system for awarding earned time credits and permitting inmates to transfer out of correctional settings at an earlier date than their sentences otherwise provide. The First Step Act provides that a "prisoner being placed in prerelease custody" after earning time credits must "ha[ve] been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner" (unless he or she qualifies for a warden-administered exception). 18 U.S.C. § 3624(g)(1)(D)(i). For a prisoner "being placed in supervised release" after earning time credits, the prisoner must "be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner." 18 U.S.C. § 3624(g)(1)(D)(ii). To determine this eligibility, all inmates receive scores under both the general PATTERN tool and the violent PATTERN tool. If the risk level category under the violent tool is higher, the violent

| MALE PATTERN RISK SCORING | | | | | |
|---|-----------------------------|---------------|-------------|---------------|-------------|
| Register Number: | | Date: | | | |
| Inmate Name: | | | | | |
| MALE RISK ITEM SCORING | CATEGORY | GENERAL SCORE | Enter Score | VIOLENT SCORE | Enter Score |
| 1. Current Age | > 60 | 0 | | 0 | |
| | 53-60 | 7 | | 4 | |
| | 43-50 | 14 | | 8 | |
| | 30-40 | 21 | | 12 | |
| | 26-29 | 28 | | 16 | |
| | < 26 | 35 | | 20 | |
| 2. Walsh w/Conviction | No | 0 | | 0 | |
| | Yes | 2 | | 0 | |
| 3. Violent Offense (PATTERN) | No | 0 | | 0 | |
| | Yes | 5 | | 7 | |
| 4. Criminal History Points | 0 - 1 Points | 0 | | 0 | |
| | 2 - 3 Points | 8 | | 3 | |
| | 4 - 6 Points | 16 | | 6 | |
| | 7 - 9 Points | 24 | | 9 | |
| | 10 - 12 Points | 32 | | 12 | |
| | > 12 Points | 40 | | 15 | |
| 5. History of Escapes | None | 0 | | 0 | |
| | > 10 Years Minor | 3 | | 2 | |
| | 5 - 10 Years Minor | 6 | | 4 | |
| | < 5 Years Minor/Any Serious | 9 | | 6 | |
| 6. History of Violence | None | 0 | | 0 | |
| | > 10 Years Minor | 1 | | 2 | |
| | > 15 Years Serious | 2 | | 4 | |
| | 5 - 10 Years Minor | 3 | | 6 | |
| | 10 - 15 Years Serious | 4 | | 8 | |
| | < 5 Years Minor | 5 | | 10 | |
| | 5 - 10 Years Serious | 6 | | 12 | |
| | < 5 Years Serious | 7 | | 14 | |
| 7. Education Score | Not Enrolled | 0 | | 0 | |
| | Enrolled in GED | -1 | | -1 | |
| | HS Degree / GED | -2 | | -2 | |
| 8. Drug Program Status | No DAP Completed | 0 | | 0 | |
| | NRDAP Complete | -2 | | -1 | |
| | RDAP Complete | -4 | | -2 | |
| | No Need | -6 | | -3 | |
| 9. All Incident Reports (120 months) | 0 | 0 | | 0 | |
| | 1 | 1 | | 1 | |
| | 2 | 2 | | 2 | |
| | > 2 | 3 | | 3 | |
| 10. Serious Incident Reports (120 months) | 0 | 0 | | 0 | |
| | 1 | 1 | | 1 | |
| | 2 | 2 | | 2 | |
| | > 2 | 3 | | 3 | |
| 11. Time Since Last Incident Report | 22+ months or no incidents | 0 | | 0 | |
| | 7-12 months | 1 | | 1 | |
| | 3-6 months | 2 | | 2 | |
| | <3 | 3 | | 3 | |
| 13. FRP Refuse | NO | 0 | | 0 | |
| | YES | 2 | | 0 | |
| 14. Programs Completed | 0 | 0 | | 0 | |
| | 1 | -3 | | -1 | |
| | 2-3 | -6 | | -2 | |
| | 4-10 | -9 | | -3 | |
| | > 10 | -12 | | -4 | |
| 15. Work Programs | 0 Programs | 0 | | 0 | |
| | 1 Program | -1 | | -1 | |
| | >1 Program | -2 | | -2 | |
| Total Score (Sum of Columns) | | General: | | Violent: | |
| General/Violent Risk Levels | | General: | | Violent: | |
| OVERALL MALE PATTERN RISK LEVEL | | | | | |

BMLCQ 606.00 *

MALE CUSTODY CLASSIFICATION FORM

*

10-11-2021

PAGE 001 OF 001

14:40:34

(A) IDENTIFYING DATA

REG NO.: 98523-179

FORM DATE: 12-12-2021

ORG: BML

NAME: JEAN, JOEL FRANCOIS

MGTV: NONE

PUB SFTY: NONE

MVED:

(B) BASE SCORING

DETAINER: (0) NONE

SEVERITY: (3) MODERATE

MOS REL.: 78

CRIM HIST SCORE: (10) 13 POINTS

ESCAPES.: (1) > 10 YRS MINOR

VIOLENCE: (1) > 10 YRS MINOR

VOL SURR: (0) N/A

AGE CATEGORY: (2) 36 THROUGH 54

EDUC LEV: (0) VERFD HS DEGREE/GED

DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED: (4) 26-75%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS: (2) GOOD

TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT.: (3) NONE

FAMILY/COMMUN.: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

| BASE CUST | VARIANCE | SEC TOTAL | SCORED | LEV | MGMT | SEC LEVEL | CUSTODY | CONSIDER |
|-----------|----------|-----------|--------|-----|------|-----------|---------|----------|
| +17 | +20 | -2 | +15 | LOW | N/A | | IN | DECREASE |

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

DOCUMENTATION OF INFORMAL RESOLUTION ATTEMPT

Bureau of Prisons Program Statement No. 1330.17, Administrative Remedy Program, (August 20, 2012), requires, in most cases, that inmates attempt informal resolution of grievances prior to filing a formal written complaint. This form shall be used to document your efforts towards informally resolving your grievance.

Inmate Name: JEAN, JOEL F. Reg. No.: #98523-179 Unit: VA

Date Issued: NOVEMBER 04th, 2022

Specific Complaint and Requested Relief: _____

This is to contest the BOP's placement of MINOR ESCAPE on my Custody Classification Form. Specifically, the BOP alleges I have a minor escape occurring over ten years ago. [Exhibit A, § ESCAPES: > 10 YRS MINOR].

Yet, this is in reference to an evading arrest from around 2003. The Program Statement 5100.08 holds the following for scoring History of Escapes:

Fleeing or Eluding Arrest...should not be scored under the Escape History item, even if clearly documented,....

[PS 5100.08, Ch. 5; attached as Appendix 1].

RELIEF: In light of this, please remove this from my Custody Classification Form and rescore my ESCAPES as 0.

Efforts Made By Inmate To Informally Resolve Grievance (be specific): Issues dealing with changes to BOP records are to be submitted in writing. This BP-8 represents my submission in writing to correct this issue.

Counselor's Comments: _____

Correctional Counselor's Review/ Date

Unit Manager's Review/ Date

Date BP-8 Returned / Initials

Date BP-9 Given / Initials

Date BP-9 Returned / Initials

DOCUMENTATION OF INFORMAL RESOLUTION ATTEMPT

Bureau of Prisons Program Statement No. 1330.17, Administrative Remedy Program, (August 20, 2012), requires, in most cases, that inmates attempt informal resolution of grievances prior to filing a formal written complaint. This form shall be used to document your efforts towards informally resolving your grievance.

Inmate Name: JEAN, JOEL F. Reg. No.: #98523-179 Unit: VA

Date Issued: NOVEMBER 04, 2022

Specific Complaint and Requested Relief:

This is to contest the scoring of HISTORY OF ESCAPES on my FSA Recidivism Risk Assessment form. Specifically, I am being improperly scored to have an "escape" on my Custody Classification Form in violation of Program Statement 5100.08; and the FSA Risk Assessment pulls its data from the Custody Classification Form.

I am being scored an "escape" due to an evading arrest from around 1991. BOP policy holds:

Fleeing or Eluding Arrest...should not be scored under the Escape History item, even if clearly documented....

[PS 5100.08, Ch. 5; attached as Appendix 1].

RELIEF: In light of this, please remove the ESCAPE from my FSA Risk Assessment Sheet (Recidivism), and change the value to 0.

Efforts Made By Inmate To Informally Resolve Grievance (be specific): Changes to BOP documents must be submitted in writing, which this BP-8 constitutes.

Counselor's Comments:

Correctional Counselor's Review/ Date

Unit Manager's Review/ Date

Date BP-8 Returned / Initials

Date BP-9 Given / Initials

Date BP-9 Returned / Initials

THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JOEL FRANCOIS JEAN

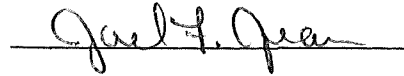
Vs.

UNITED STATES OF AMERICA

Re: CASE NO. 1:08-cr-00101-001

Inside is Joel Francois Jean Motion For Reduction In Sentence Pursuant to 18 U.S.C. 3582(c)(1)(A), along with a prepaid envelope. Could I please have a stamped filed copy of this cover letter sent back to me please. Thank you in advance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel F. Jean", is written over a horizontal line.

Joel F. Jean #98523-179
FCI Beaumont Low
P.O. Box 26020
Beaumont, Tx 77720

JOEL J. JEAN # 98523-174
FBI BEAUMONT LOW
P.O. Box 26020
BEAUMONT, TX 77720

LEGAL MAIL

UNITED STATES DISTRICT COURT
300 WILLOW STREET
BEAUMONT, TX 77701

